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*Washington, Wednesday, November 4, 1959*

## Title 3—THE PRESIDENT

### Proclamation 3324

### NATIONAL FARM-CITY WEEK, 1959

**By the President of the United States of America**

**A Proclamation**

WHEREAS our rural and urban people have a community of interests that makes them mutually and beneficially dependent upon each other; and

WHEREAS the productivity of our farms and industry provides the food, fiber, tools, and services that have given our Nation the highest standard of living ever enjoyed by any people; and

WHEREAS the future well-being of our Nation requires a better public understanding of the needs, problems, and opportunities of our country's agriculture and the necessity for well-trained capable young men and women:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 20 through November 26, 1959, as National Farm-City Week, and I call upon the people throughout the country to participate fully in the observance of that week.

I request the Department of Agriculture, the land-grant colleges, the Agricultural Extension Service, and all other appropriate agencies and officials of the Government to cooperate with National, State, and local farm organizations and other groups in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on the notable achievements of rural groups and individuals working to promote the cultural, spiritual, educational, recreational, and health facilities of their areas.

I also request urban groups to join in this observance, along with farm groups, as evidence of America's appreciation of all those on the farms and in the cities who provide us with our daily bread and all the other necessities of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of October in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
*Secretary of State.*

[F.R. Doc. 59-9360; Filed, Nov. 2, 1959; 1:31 p.m.]

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

### Subpart—United States Standards for Bermuda-Granex Type Onions [1]

On May 22, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4149) regarding a proposed issuance of United States Standards for Bermuda-Granex Type Onions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Bermuda-Granex Type Onions are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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### EXECUTIVE AGENCIES

FEDERAL REGISTER

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A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.



## CODIFICATION GUIDE—Con.



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AUTHORITY: §§ 51.3195 to 51.3209 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

### § 51.3195 U.S. No. 1.

"U.S. No. 1" consists of onions of similar varietal characteristics which are mature, fairly well shaped and free from decay, wet sunscald, doubles and bottlenecks and free from damage caused by seedstems, splits, moisture, roots, dry sunscald, sunburn, sprouting, staining, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the grade, including therein not more than 2 percent for onions which are affected by decay or wet sunscald.

### § 51.3196 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 onions: *Provided,* That at least 50 percent, by weight, of the onions in each lot

meet the requirements of U.S. No. 1 grade. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the U.S. No. 2 grade, but not more than one-fifth of this amount, or 2 percent, shall be allowed for onions which are affected by decay or wet sunscald.

(b) Individual containers may have not more than 10 percentage points less than the percentage of U.S. No. 1 quality specified: *Provided,* That the entire lot averages within the percentage specified.

### § 51.3197 U.S. No. 2.

"U.S. No. 2" consists of onions of similar varietal characteristics which are not soft or spongy and which are free from decay, wet sunscald and bottlenecks and free from serious damage caused by seedstems, dry sunscald, sprouting, staining, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the grade, including therein not more than 2 percent for onions which are affected by decay or wet sunscald.

UNCLASSIFIED

### § 51.3198 Unclassified.

"Unclassified" consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE

### § 51.3199 Size.

(a) Size shall be specified in connection with the grade in terms of minimum diameter, range in diameter, minimum diameter with a percentage of a certain size and larger, or in accordance with one of the size classifications listed below: *Provided,* That, unless otherwise specified, onions shall meet the requirements of medium:

(1) Small shall be from 1 to 2¼ inches in diameter;

(2) Medium shall be from 2 to 3¼ inches in diameter; and,

(3) Large shall be 3 inches and larger in diameter with not less than 10 percent over 3½ inches.

(b) Tolerances for size: In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the onions in any lot may be smaller than the minimum diameter specified. In addition, not more than 10 percent, by weight, of the onions in any lot may be larger than the maximum diameter specified. When a percentage of the onions is specified to be of a certain size and larger, individual packages containing more than 10 pounds may have not less than one-half of the percentage specified: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

### § 51.3200 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one-tenth of the packages may have more than one onion or more than 4 percent of the onions (whichever is the larger amount) affected by decay or wet sunscald.

DEFINITIONS

### § 51.3201 Similar varietal characteristics.

"Similar varietal characteristics" means that the onions in any container are similar in color, shape and character of growth.

### § 51.3202 Mature.

"Mature" means that the onion is fairly well cured, and at least fairly firm.

### § 51.3203 Fairly well shaped.

"Fairly well shaped" means that the onion shows the characteristic shape, not appreciably three, four or five-sided, thick necked or badly pinched.

### § 51.3204 Wet sunscald.

"Wet sunscald" means any sunscald which is soft, mushy or wet.

### § 51.3205 Doubles.

"Doubles" means onions which have developed more than one distinct bulb joined only at the base.

### § 51.3206 Bottlenecks.

"Bottlenecks" means onions which have abnormally thick necks with only fairly well developed bulbs.

### § 51.3207 Damage.

"Damage", unless otherwise sepcifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than one-fourth inch in diameter;

(b) Splits when well cured onions are not practically covered by an outer scale, or when fairly well cured onions are not completely covered by one outer scale;

(c) Dry sunscald when the injury is more than slight and is readily apparent without peeling the onion;

(d) Sunburn when dark green in color and affecting an area equivalent to that of a circle 1 inch in diameter on an onion 2¾ inches in diameter or correspondingly smaller or larger areas on smaller or larger onions, or when medium to light green in color and affecting more than 10 percent of the surface of the onion;

(e) Sprouting when any sprout is visible, or when concealed within the neck scales and are more than three-fourths inch in length;

(f) Staining, dirt or other foreign material when the onions in any lot are affected in appearance to a more serious degree than of a lot of yellow onions having 15 percent appreciably stained and 5 percent badly stained, or a lot of white onions having 10 percent appreciably stained and 5 percent badly stained:

(1) "Appreciably stained" means that there is sufficient staining or discoloration caused by weathering or other means to materially affect the appearance of the individual onion; and,

(2) "Badly stained" means that there is sufficient staining caused by weathering or other means to seriously affect the appearance of the individual onion; and,

(g) Mechanical when any cut extends deeper than one fleshy scale, or when any bruise breaks a fleshy scale.

### § 51.3208 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems when more than one-half inch in diameter;

(b) Dry sunscald when extending deeper than one fleshy scale, or when affecting an area equivalent to that of a circle 1 inch in diameter on an onion 2¾ inches in diameter, or correspondingly lesser or greater areas on smaller or larger onions;

(c) Sprouting when any visible sprout is more than one-half inch in length;

(d) Staining, dirt or other foreign material when the onions in any lot are affected in appearance to a more serious degree than that of a lot of onions having 25 percent badly stained:

(1) "Badly stained" means that there is sufficient staining caused by weathering or other means to seriously affect the appearance of the individual onion; and,

(e) Mechanical when any cut extends deeper than two fleshy scales, or when cuts seriously damage the appearance of the onion.

### § 51.3209 Diameter.

"Diameter" means the greatest dimension of the onion at right angles to a line running from the stem to the root.

The United States Standards for Bermuda-Granex Type Onions contained in this subpart shall become effective January 1, 1960, and will thereupon supersede

the United States Standards for Bermuda Onions which have been in effect since March 29, 1937.

Dated: October 29, 1959.

S. T. WARRINGTON,
*Acting Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 59-9312; Filed, Nov. 3, 1959; 8:47 a.m.]

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815, Amdt. 2]

### PART 815—ALLOTMENT OF THE DIRECT CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

### 1959

*Basis and purpose.* This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of amending Sugar Regulation 815.1 (24 F.R. 82, 7438) which established allotments of the direct-consumption portion of the 1959 mainland quota for Puerto Rico.

This amendment of S.R. 815.1 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811 (24 F.R. 8628) which established the direct-consumption portion of the 1959 mainland quota for Puerto Rico of 139,161 short tons, raw value, a quantity greater than the 137,637 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

Amendment 1 to S.R. 815 allotted deficits totaling 2,882 short tons, raw value, which were prorated to allottees to the extent of their ability to utilize such deficits based on their written statements and allotments were established accordingly. Thus, the allotments established by Amendment 1 to S.R. 815 represented at that time the maximum quantities which each of the allottees could market during the year.

Amendment 3 of S.R. 811 increased the direct-consumption limitation for Puerto Rico by a total of 1,524 tons. The proration of this quantity among the allottees on the basis of allotments that otherwise would be established would result in larger allotments totaling 139,161 tons.

Recently, Porto Rican American Sugar Refinery, Inc., notified the Department in writing of their ability to market 91,386 tons, a quantity 5,800 tons larger than they previously indicated. None of the other allottees have informed the Department that they can utilize additional quantities. Thus, the allotments established in Amendment 1 to S.R. 815 continue to reflect the maximum amount that each allottee can market, except for Porto Rican American Sugar Refinery, Inc. In view thereof, allottees other than Porto Rican American Sugar Refinery, Inc., are unable to utilize their shares of the increase in the direct-consumption limit totaling 588 tons and such quantity represents additional deficits and is available for proration to allottees capable of utilizing additional allotments.

Only 16 tons of the reserve of 877 tons heretofore allotted to "All other persons" have been utilized to date and, since the Department has received no indication of additional quantities to be marketed within this reserve, it is therefore found that 861 tons of such reserve is no longer needed to meet demand thereupon, and is available for reallotment to allottees capable of utilizing additional allotments. Such 861 tons together with the 558 tons of additional deficits results in a total of 1,449 tons available for allotment to Porto Rican American Sugar Refinery, Inc.

The following table shows the previous proration of deficits in S.R. 815, Amendment 1, and the method used in the determination and proration of additional deficits:

[Short tons, raw value]

| Allottee | Derivation of allotments in S.R. 815, Amdt. 1 | | | Derivation of additional allotment deficits and proration | | |
|---|---|---|---|---|---|---|
| | Unadjusted proration of 137,637 tons (1) | Adjustments for deficits (2) | Allotments (3) | Share of increase in DC limit (4) | Allotments adjusted for increase (Col. 3 plus Col. 4) (5) | Adjustments for additional deficits (6) |
| Central Aguirre Sugar Co., a trust | 7,229 | −1,772 | 5,457 | 80 | 5,537 | −80 |
| Central Roig Refining Co | 20,831 | +1,024 | 21,855 | 231 | 22,086 | −231 |
| Central San Francisco | 1,609 | −18 | 1,591 | 18 | 1,609 | −18 |
| Porto Rican American Sugar Rfy., Inc. | 84,453 | +1,133 | 85,586 | 936 | 86,522 | +1,449 |
| So. Puerto Rico Sug. Corp | 1,769 | −1,769 | 0 | 20 | 20 | −20 |
| Western Sugar Ref. Co | 21,546 | +725 | 22,271 | 239 | 22,510 | −239 |
| All other persons | 200 | +677 | 877 | 0 | 877 | −861 |
| Total | 137,637 | ±3,559 | 137,637 | 1,524 | 139,161 | ±1,449 |

Findings heretofore made by the Secretary in the course of this proceeding (24 F.R. 82) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

*Effective date.* It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered that paragraph (a) of § 815.1 be amended to read as follows:

**§ 815.1 Allotment of the direct-consumption portion of 1959 sugar quota for Puerto Rico.**

(a) *Allotments.* The direct-consumption portion of the 1959 sugar quota for Puerto Rico, amounting to 139,161 short tons, raw value, is hereby allotted as follows:

| *Allottee* | *Direct-consumption allotment (short tons, raw value)* |
|---|---|
| Central Aguirre Sugar Co., a trust | 5,457 |
| Central Roig Refining Co | 21,855 |
| Central San Francisco | 1,591 |
| Porto Rican American Sugar Rfy., Inc | 87,971 |
| Western Sugar Refining Co | 22,271 |
| All other persons | 16 |
| Total | 139,161 |

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119).

Done at Washington, D.C., this 30th day of October 1959.

LAWRENCE MYERS,
*Director, Sugar Division,*
*Commodity Stabilization Service.*

[F.R. Doc. 59-9328; Filed, Nov. 3, 1959; 8:49 a.m.]

## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

### PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

### Subpart—1960

The soil and water resources of the farmlands of our Nation must be protected and conserved. This is essential in order that farms will continue to have the capacity to produce sufficient food and other raw materials to meet the future needs of the Nation.

All of the people of this Nation, not the farmers alone, have a stake in, and a part of the responsibility for protecting and conserving, our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

INTRODUCTION

AUTHORITY: §§ 1103.900 to 1103.952 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g–590q.

INTRODUCTION

## § 1103.900 Introduction.

(a) Through the 1960 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the "1960 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the respective local offices of the Soil Conservation Service located at St. Croix and St. Thomas.

(c) The 1960 program was developed by the ASC State Office, the Territorial Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U.S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

## § 1103.901 General program principles.

The 1960 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1960 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the Public Treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their lifespans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal lifespan unless the practice has failed to serve for its normal lifespan due to conditions beyond the control of the farm operator.

ALLOCATION OF FUNDS

## § 1103.902 Allocation of funds.

The amount of funds available for conservation practices under this program is $13,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1103.917.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

**§ 1103.903 Selection of practices.**

The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

**§ 1103.904 Responsibility for technical phases of practices.**

(a) The Soil Conservation Service is responsible for the technical phases of practice 5 and practices 7 through 12 (§§ 1103.945 and 1103.947 to 1103.952). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice 5 (§ 1103.945).

(b) The Forest Service is responsible for the technical phases of practice 4 (§ 1103.944). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the ASC State Office, determining performance in meeting these specifications. This responsibility also includes (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

**§ 1103.905 Bulletins, instructions, and forms.**

The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1960 program as it applies to the Virgin Islands, and forms will be made available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

**§ 1103.906 Opportunity for requesting cost-sharing.**

Each farmer shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm.

**§ 1103.907 Prior request for cost-sharing.**

(a) Costs will be shared only for those practices for which cost-sharing is requested by the farmer before performance thereof is started. For practices for which (1) approval was given under the 1959 Agricultural Conservation Program, (2) performance was started but not completed during the 1959 program year, and (3) the ASC State Office believes the extension of the approval to the 1960 program is justified under the 1960 program regulations and provisions, the filing of the request for cost-sharing under the 1959 program may be regarded as meeting the requirement of the 1960 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farmer who wishes to participate in the 1960 program must file a Cert. Form No. 39–60–V.I., Request for Federal Cost-shares and Notice of Approval, on or before June 30, 1960. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), Extension Service, and Farmers Home Administration at St. Croix or St. Thomas.

**§ 1103.908 Method and extent of approval.**

The ASC State Office will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1960. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

**§ 1103.909 Initial establishment or installation of practices.**

(a) Federal cost-sharing may be authorized under the 1960 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1960 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, all practices included in this subpart, if carried out under the 1954 or a subsequent program, would not have served their life spans by the end of the 1960 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

**§ 1103.910 Repair, upkeep, and maintenance of practices.**

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

**§ 1103.911 Completion of practices.**

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1103.912 and 1103.913, practices must be completed during the program year in order to be eligible for cost-sharing.

**§ 1103.912 Practices substantially completed during program year.**

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1960 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

**§ 1103.913 Practices involving the establishment or improvement of vegetative cover.**

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be

carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

**§ 1103.915 Practices carried out with State or Federal aid.**

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1960 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

**§ 1103.916 Division of Federal cost-shares.**

(a) *Federal cost-shares.* Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

**§ 1103.917 Increase in small Federal cost-shares.**

The sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

| *Amount of cost-share computed* | *Increase in cost-share* |
|---|---|
| $1 to $1.99 | $0.40 |
| $2 to $2.99 | .80 |
| $3 to $3.99 | 1.20 |
| $4 to $4.99 | 1.60 |
| $5 to $5.99 | 2.00 |
| $6 to $6.99 | 2.40 |
| $7 to $7.99 | 2.80 |
| $8 to $8.99 | 3.20 |
| $9 to $9.99 | 3.60 |
| $10 to $10.99 | 4.00 |
| $11 to $11.99 | 4.40 |
| $12 to $12.99 | 4.80 |
| $13 to $13.99 | 5.20 |
| $14 to $14.99 | 5.60 |
| $15 to $15.99 | 6.00 |
| $16 to $16.99 | 6.40 |
| $17 to $17.99 | 6.80 |
| $18 to $18.99 | 7.20 |
| $19 to $19.99 | 7.60 |
| $20 to $20.99 | 8.00 |
| $21 to $21.99 | 8.20 |
| $22 to $22.99 | 8.40 |
| $23 to $23.99 | 8.60 |
| $24 to $24.99 | 8.80 |
| $25 to $25.99 | 9.00 |
| $26 to $26.99 | 9.20 |
| $27 to $27.99 | 9.40 |
| $28 to $28.99 | 9.60 |
| $29 to $29.99 | 9.80 |
| $30 to $30.99 | 10.00 |
| $31 to $31.99 | 10.20 |
| $32 to $32.99 | 10.40 |
| $33 to $33.99 | 10.60 |
| $34 to $34.99 | 10.80 |
| $35 to $35.99 | 11.00 |
| $36 to $36.99 | 11.20 |
| $37 to $37.99 | 11.40 |
| $38 to $38.99 | 11.60 |
| $39 to $39.99 | 11.80 |
| $40 to $40.99 | 12.00 |
| $41 to $41.99 | 12.10 |
| $42 to $42.99 | 12.20 |
| $43 to $43.99 | 12.30 |
| $44 to $44.99 | 12.40 |
| $45 to $45.99 | 12.50 |
| $46 to $46.99 | 12.60 |
| $47 to $47.99 | 12.70 |
| $48 to $48.99 | 12.80 |
| $49 to $49.99 | 12.90 |
| $50 to $50.99 | 13.00 |
| $51 to $51.99 | 13.10 |
| $52 to $52.99 | 13.20 |
| $53 to $53.99 | 13.30 |
| $54 to $54.99 | 13.40 |
| $55 to $55.99 | 13.50 |
| $56 to $56.99 | 13.60 |
| $57 to $57.99 | 13.70 |
| $58 to $58.99 | 13.80 |
| $59 to $59.99 | 13.90 |
| $60 to $185.99 | 14.00 |
| $186 to $199.99 | (1) |
| $200 and over | (2) |

[1] Increase to $200.
[2] No increase.

**§ 1103.918 Maximum Federal cost-share limitation.**

(a) The total of all Federal cost-shares under the 1960 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1960 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

**§ 1103.919 Persons eligible to file application.**

Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

**§ 1103.920 Time and manner of filing application and required information.**

(a) It shall be the responsibility of persons participating in the program to submit to the SCS work unit offices on the Islands forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the SCS work unit offices on the Islands and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS work unit offices on the Islands not later than February 28, 1961, except that the ASC State Office may accept an application filed after February 28, 1961, but not later than December 31, 1961, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS work unit office within the applicable time limit. Receipts or invoices required by the wording of practices as evidence of performance shall be retained by the applicant for presentation to the ASC State Office for a period of two years following the end of the program year.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the appli-

cation may subsequently file an application, provided he does so on or before December 31, 1961.

**§ 1103.921 Appeals.**

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer would have been entitled if the performance rendered had met all requirements for the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

**§ 1103.923 Compliance with regulatory measures.**

Persons who carry out conservation practices under the 1960 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

**§ 1103.924 Maintenance of practices.**

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1960 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

**§ 1103.925 Practices defeating purposes of programs.**

If the ASC State Office finds that any person has adopted or participated in any practice during the 1960 program year which tends to defeat the purposes of the 1960 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1960 program.

**§ 1103.926 Depriving others of Federal cost-shares.**

If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1960 program.

**§ 1103.927 Filing of false claims.**

If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1960 program and shall refund all amounts that may have been paid to him under the 1960 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

**§ 1103.928 Federal cost-shares not subject to claims.**

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1103.929, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**§ 1103.929 Assignments.**

Any person who may be entitled to any Federal cost-share under the 1960 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

**§ 1103.933 Definitions.**

For the purposes of the 1960 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs.

(g) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Program year" means the period from October 1, 1959, through December 31, 1960.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

**§ 1103.935 Authority.**

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960.

**§ 1103.936 Availability of funds.**

(a) The provisions of the 1960 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in

this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1960 program will not be available for paying Federal cost-shares for which applications are filed in the SCS work unit offices after December 31, 1961.

**§ 1103.937 Applicability.**

(a) The provisions of the 1960 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (b)(6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the U.S. Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

**§ 1103.940 Concurrent operation of 1959 and 1960 Agricultural Conservation Programs for the Virgin Islands.**

The practices, specifications, and rates of cost-sharing included in this subpart are applicable to practices carried out on or after January 1, 1960. The practices, specifications, and rates of cost-sharing contained in the 1959 Agricultural Conservation Program for the Virgin Islands are applicable to practices carried out on or before December 31, 1959.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

**§ 1103.941 Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses or other approved forage plants.**

Federal cost-sharing will be allowed for planting any of the following grasses or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados, Bermuda, Sour Paspalum, St. Augustine, Merker, and Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, harrowing (if necessary), and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as nearly as practicable along contour lines. Federal cost-sharing for seeding, sodding, or sprigging under this practice is limited to not more than 30 acres on any farm, as defined in § 1103.933(f). Federal cost-sharing for the application of sulphate of ammonia in connection with the initial establishment of permanent pasture under this practice may be authorized for not more than 30 acres on any farm. The maximum rate of application for which Federal cost-sharing is allowed shall not exceed 300 pounds of sulphate of ammonia per acre. Receipts or invoices showing the purchase of the sulphate of ammonia applied under this practice, properly dated and signed by the vendor, shall be retained by the farmer for presentation upon request of the ASC State Office.

*Maximum Federal cost-share.* (a) $9.00 per acre for seeding, sodding, or sprigging.

(b) $1.75 per 100 pounds of sulphate of ammonia applied; fractions in proportion.

**§ 1103.942 Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.**

The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties of plants specified under practice 1 (§ 1103.941) must be established as soon as practicable after the hurricane grass has been eradicated. Federal cost-sharing for carrying out this practice is limited to not more than 30 acres on any farm, as defined in § 1103.933(f).

*Maximum Federal cost-share.* $4.00 per acre.

**§ 1103.943 Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.**

Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanappy (Kennep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of Cactus, Sage, and Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties of grasses specified in practice 1 (§ 1103.941) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing for carrying out this practice is limited to not more than 30 acres on any farm, as defined in § 1103.933(f).

*Maximum Federal cost-share.* (a) $6.50 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(b) $11.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(c) $15.50 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

**§ 1103.944 Practice 4: Initial establishment of a stand of adapted trees on farmland for purposes other than the prevention of wind or water erosion.**

Federal cost-sharing will be allowed for clearing strips of heavy brush of no economic value to permit planting of desirable tree species. Such strips must be not less than 3 feet wide and spaced at intervals of not less than 20 feet. All brush on the strips must be uprooted and removed from the spaces where the trees are to be planted. All plantings must be protected from fire and grazing. Only those trees which are well established and living at the time of inspection are eligible for Federal cost-sharing. Federal cost-sharing will be allowed for permanent barbed-wire fences needed to protect the planted area from grazing, excluding boundary and road fences. Such fences shall be constructed entirely of new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. Hardwood or steel posts or living tree posts shall be used for fencing. The posts must be spaced not more than 6 feet apart, with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

*Maximum Federal cost-share.* (a) Clearing strips of heavy brush to permit planting of desirable tree species—$8.00 per acre.

(b) Planting trees of desirable tree species as recommended by the Forest Service—$0.05 per tree.

(c) Constructing new permanent barbed-wire fences for protecting the planted area—$4.00 per 100 linear feet.

**§ 1103.945 Practice 5: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.**

For erosion control, trees must be planted on the contour and be protected

from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

*Maximum Federal cost-share.* $0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

**§ 1103.946 Practice 6: Constructing permanent fences as a means of protecting vegetative cover.**

This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Federal cost-sharing will be allowed only for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. To qualify for cost-sharing, fences must have pasture or range land on both sides of the fence. Eligible fences are generally those which are constructed for the purpose of dividing an original field into two or more small fields between which livestock will be rotated. If it is necessary to construct some boundary or road fence, as well as the dividing fence, to accomplish the needed protection of the vegetative cover, cost-sharing will be allowed for the boundary or road fence.

*Maximum Federal cost-share.* (a) If fences are constructed with barbed wire—$4.00 per 100 linear feet. Hardwood or steel posts or living tree posts shall be used. Posts must be spaced not more than 6 feet apart, with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

(b) If fences are constructed with woven wire—$6.00 per 100 linear feet. Hardwood or steel posts or living tree posts shall be used. The posts must be spaced not more than 10 feet apart, with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

**§ 1103.947 Practice 7: Constructing wells for livestock water as a means of protecting vegetative cover.**

The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate storage facilities and drinking troughs for animals also must be provided. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless water is obtained. Incidental use of water at headquarters from wells constructed under the program is authorized, provided that is not the primary use, and provided that the household or farmstead use would not lessen the effectiveness of the well in achieving the conservation purpose for which it was constructed.

*Maximum Federal cost-share.* (a) Constructing dug wells lined with stone or concrete blocks—$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(b) Drilling wells:

(1) $1.50 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $3.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(3) $4.50 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

**§ 1103.948 Practice 8: Installing pipelines for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.**

The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover. Federal cost-sharing will be allowed when the pipeline carries the water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications:

(a) Metal pipes (galvanized, wrought iron, welded steel, lead, copper, or brass) meeting specifications as adopted by all reputable pipe manufacturers.

(b) Plastic pipes either flexible or rigid as specified in standards established by the Society of Plastic Industry. The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

*Maximum Federal cost-share.* (a) $0.15 per linear foot when pipes of from ½ to 1 inch diameter are used.

(b) $0.25 per linear foot when pipes of from 1¼ to 1½ inches diameter are used.

(c) $0.35 per linear foot when pipes of 2 inches or more diameter are used.

**§ 1103.949 Practice 9: Constructing, enlarging, or sealing farm ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.**

(a) The farm ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) In order to qualify for Federal cost-sharing, the constructing, enlarging, or sealing of farm ponds must conform with the conditions and specifications approved by the Soil Conservation Service, Caribbean Area Office.

(c) No Federal cost-sharing will be allowed if the practice is carried out with the assistance of the Virgin Islands Corporation.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved in the construction of an earth pond.

(b) $10.00 per cubic yard of concrete or rubble masonry used in the construction of or in lining any part of an excavated pond when the permeability of the soil makes such lining desirable.

(c) $15.00 per cubic yard of steel reinforced concrete used for cutoff walls, headwalls, outlet structures and/or risers.

(d) 50 percent of actual cost of conduits and metal cutoff collars. (Receipts or invoices showing the purchase of these materials will be required by the inspectors as evidence of accomplishment under this rate of cost-sharing.)

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

**§ 1103.950 Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water for livestock or for irrigation.**

(a) Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the providing of water will contribute to a better distribution of grazing livestock, improvement of the pasture management, or the conservation of soil resources, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by SCS engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and approved before construction is begun. Construction and installation will conform to Technical Specifications for Class B Concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12 inches and will have a batter of 1 inch per foot of height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2 inches of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6 inches thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure watertightness and facilitate cleaning. When reinforced concrete bottoms are used, specifications for bottom of concrete tanks will be prepared by SCS engineers. In this case the floor and footings for wall support will be poured as one continuous slab.

(i) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well-graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stone should be laid so as to break joints. Stratified stone should be laid on their natural beds and not on edges. All space between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

(c) Cost-sharing may be authorized under practice 8 (§ 1103.948) for the installation of pipelines to deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

*Maximum Federal cost-share.* (a) $12.00 per cubic yard of concrete structure.

(b) $7.00 per cubic yard of rubble masonry structure.

**§ 1103.951 Practice 11: Constructing permanent barriers to form bench terraces to obtain or control the flow of water and to check soil erosion.**

Barriers shall be constructed of rock, concrete blocks, masonry, or similar material. The construction of these permanent barriers must be in accordance with a layout and design made or approved by the Soil Conservation Service.

*Maximum Federal cost-share.* $3.00 per cubic yard of barrier constructed.

**§ 1103.952 Practice 12: Subsoiling to permit better penetration of water.**

Federal cost-sharing will be allowed for subsoiling cropland, excluding cropland devoted to sugarcane, and pastureland to a depth that will effectively shatter the hardpan to permit better water penetration. To qualify for cost-sharing, subsoiling must be performed to a minimum depth of 14 inches and a maximum spacing interval of 4 feet. On sloping land, subsoiling must be done following the approximate contours. Subsoiling should be performed when the soil is dry so that maximum fracture of the hardpan results. Applicable only to land which the SCS determines can be benefited by subsoiling. Adequate implements must be used. A moldboard plow will not qualify. Cost-sharing is limited to the rate times the acres subsoiled regardless of the number of operations on the same acreage.

*Maximum Federal cost-share.* $2.75 per acre subsoiled.

Done at Washington, D.C., this 29th day of October 1959.

E. L. PETERSON,
*Assistant Secretary.*

[F.R. Doc. 59-9327; Filed, Nov. 3, 1959; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 12,884]

## PART 544—CHARTER AND BYLAWS

### Preparedness Emergency Amendments to Bylaws

OCTOBER 28, 1959.

Resolved that the designation "§ 544.6a" to the new section added to Part 544 appearing in the FEDERAL REGISTER, Tuesday, October 20, 1959, Volume No. 24, No. 205, page 8461, and bearing Resolution No. 12,850, be corrected to read "§ 544.6-1".

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 59-9320; Filed, Nov. 3, 1959; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 101; Amdt. 51]

## PART 507—AIRWORTHINESS DIRECTIVES

### Allison 501-D13 and -D13A Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of a first stage compressor wheel or compressor rotor assembly on Allison 501-D13 and -D13A engines was published in 24 F.R. 7041.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-21-3 ALLISON. Applies to Allison Model 501-D13 and -D13A engines.

Compliance required not later than November 15, 1959.

Ten cases of compressor blade retention failures have occurred in service including one case that resulted in serious bulging and separation on the split line of the compressor case and flash fire inside the cowling during ground running. To preclude the possibility of serious engine damage resulting from failure of first stage compressor blade retention one of the following modifications must be incorporated not later than November 15, 1959.

Install first stage compressor wheel assembly P/N 67 92821 or first stage compressor wheel assembly P/N 67 93351 or compressor rotor assembly P/N 67 92332. Allison Commercial Engine Bulletins Numbers 61 or 80 cover the first two modifications while the last is a new design.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 28, 1959.

JAMES T. PYLE,
*Administrator.*

[F.R. Doc. 59-9294; Filed, Nov. 3, 1959; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7454 c.o.]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### Croton Watch Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Fictitious marking; § 13.175 *Quality of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—* Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Croton Watch Co., Inc., et al., New York, N.Y., Docket 7454, Sept. 9, 1959]

*In the Matter of Croton Watch Co., Inc., a Corporation, and William C. Horowitz, Harold I. Horton and Oscar Berlan, Individually and as Officers of Croton Watch Co., Inc.; and Arpeggio Watch Co., Inc., a Corporation, and Harold I. Horton, Oscar Berlan and Gloria Nicholson, Individually and as Officers of Arpeggio Watch Co., Inc.*

This proceeding was heard by a hearing examiner on the complaint of the Commision charging two associated New York City watch distributors with attaching to their watches, tickets printed with exaggerated prices and designating fictitious amounts as "retail prices" in magazine and other advertising and in advertising mats distributed to retailers; advertising certain of their watches falsely as "Railroad" watches; representing falsely as "chrome" or "stainless steel", bezels of watches which were actually composed of base metals treated to simulate precious metals; and representing watches falsely as "fully guaranteed".

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 9 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Croton Watch Co., Inc., a corporation, and its officers, and William C. Horowitz, Harold I. Horton, and Oscar Berlan, individually and as officers of said corpor-

ation, and Arpeggio Watch Co., Inc., a corporation, and its officers, and Harold I. Horton, Oscar Berlan and Gloria Nicholson, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commision Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) By preticketing, or otherwise, that any price is the usual and customary retail price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail in the normal course of business;

(b) That any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

(c) That merchandise is guaranteed when a service charge is imposed, unless the amount of such service charge is clearly set forth;

(d) That watches are railroad watches unless such watches are made to the specifications required for railroad watches;

(e) That a watchcase, or any part thereof, is chrome, when it is chrome plated.

2. Failing to reveal the true metal content of watchcases, or portions thereof, which have been treated or processed to simulate or have the appearance of precious metals.

3. Placing in the hands of others means or instrumentalities which may be used to misrepresent the usual and customary retail price of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-9297; Filed, Nov. 3, 1959; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 46—RURAL SERVICE

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 46.3 *Carrier service* redesignate paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), and insert a new paragraph (b) to describe rural carrier service to residence. As so amended, § 46.3 reads as follows:

§ 46.3 Carrier service.

(a) *Availability.* Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city-delivery limits.

(b) *To residence.* Rural carriers will deliver registered, certified, insured, COD and special delivery mail to the patrons residence if it is not more than one-half mile from the route and if there is a passable road leading to it.

(c) *Parcel delivery.* Rural carriers will deliver outside of boxes parcel-post packages that are too large to go in the boxes, provided the addressee has filed with the postmaster a written order for delivery in this manner. The written order must provide that the Post Office Department and the carriers are relieved of all responsibility in case of loss or depredation. Where a patron lives within hailing distance of a route, the carrier will, before making delivery in this manner, make a reasonable effort to hail the patron so that he may come to the mail box to receive the parcel.

(d) *Contagious disease.* A rural carrier will deliver mail to the box of a patron where a quarantined disease exists, when this can be done without exposure to contagion; but no mail will be collected from such box while the quarantine is in force.

(e) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the Regional Operations Director.

NOTE: The corresponding Postal Manual section is 156.3.

(R.S. 161, as amended, 396, as amended, sec. 1, 39 Stat. 423; 5 U.S.C. 22, 369, 39 U.S.C. 191, 192)

§ 46.5 [Amendment]

II. In § 46.5 *Rural boxes* make the following changes:

A. In subparagraph (4) of paragraph (a) make the following changes in the list of approved manufacturers of rural mailboxes.

1. Strike out "Reynolds Metals Co., 2000 South Ninth St., Louisville 1, Ky." and insert "Steel City Manufacturing Co., P.O. Box 1115, Youngstown 1, Ohio" in proper alphabetical order therein.

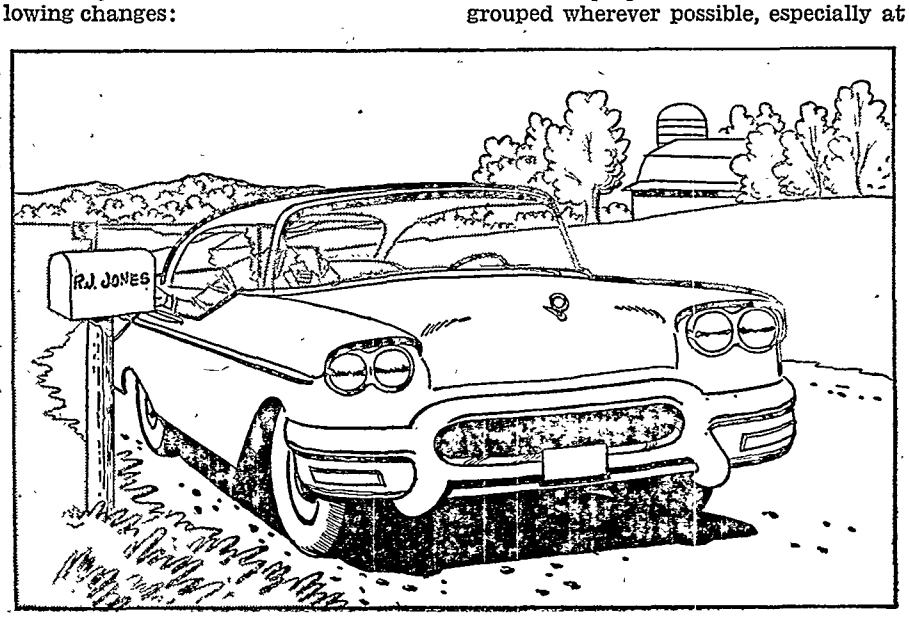
2. Amend the address of "United States Steel Products Co." to read "United States Steel Products Co., 5100 Santa Fe Ave., Los Angeles 58, Calif."

B. Paragraph (d) is amended to show that rural carriers are subject to the same traffic laws and regulations as are other motorists, and a new illustration is inserted in lieu of the illustration immediately following the last sentence therein. As so amended, paragraph (d) and the illustration are as follows:

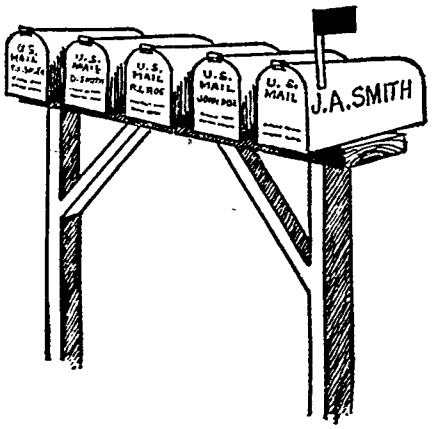
(d) *Location.* Rural boxes must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Rural carriers are subject to the same traffic laws and regulations as are other motorists. Patrons must remove obstructions, including snow, that make delivery difficult.

C. In paragraph (e) the last sentence is amended to read "A simple and practicable support consists of a board erected on firmly planted posts.", and a new illustration is inserted in lieu of the illustration immediately following the last sentence therein. As so amended, paragraph (e) and the illustration are as follows:

(e) *Grouping.* Boxes should be grouped wherever possible, especially at



or near cross roads or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts.




NOTE: The corresponding Postal Manual section is 156.514, 156.54, and 156.55.

(R.S. 161, as amended, 396, as amended, sec. 1, 39 Stat. 423; 5 U.S.C. 22, 369, 39 U.S.C. 191, 192)

§ 168.5 [Amendment]

III. In § 168.5 *Individual country regulations* as published in the FEDERAL REGISTER of March 20, 1959, at pages 2119–2195, as Federal Register Document 59–2388, make the following changes:

A. In country "China", as amended by Federal Register Document 59–7459, 24 F.R. 7250, under Parcel Post, strike out "Weight limits: [1] 7, 22, 44, and the footnote referred to therein" in the tabular information immediately following the item *Air parcel rates,* and insert in lieu thereof "Weight limit: 44 lbs.". Parcels weighing up to 44 pounds may now be accepted for any destination in the Republic of China.

B. In country "Nigeria", as amended by Federal Register Document 59–7459, 24 F.R. 7250, make the following changes as result of the Postal administration of Nigeria giving notice that paper money is prohibited to that country except when mailed by a bank and addressed to a bank.

1. Under Postal Union Mail, amend the item *Prohibitions and import restrictions* to read as follows:

*Prohibitions and import restrictions.* Paper money, unless mailed by a bank and addressed to a bank.

Coins, unmanufactured platinum, gold, or silver.

Manufactured gold, platinum, silver, jewelry, and precious stones, if the value is more than £5.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

2. Under Parcel Post, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Uniforms, unless addressed to persons authorized to wear them.

Bees and silkworms.

Firearms.

Cottonseed, cocoa beans, maize, and other grains.

Coins.

Paper money, unless mailed by a bank and addressed to a bank.

Good-luck charms and other articles which may deceive or injure the addressees or other persons.

(R.S. 161, as amended, 396, as amended, 398, as amended, 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 59–9269; Filed, Nov. 3, 1959; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 59–1111]

## PART 1—PRACTICE AND PROCEDURE

### Standard Broadcast Applications; Postponement of Effective Date

In re Amendment of § 1.351 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1959;

The Commission has under consideration (1) the Order and Appendix thereto adopted herein on September 18, 1959 (FCC 59–971, released September 22, 1959), amending, effective October 30, 1959, § 1.351 of the Commission's rules, relating to the withholding of action on certain types of standard broadcast applications proposing operation on frequencies specified in § 3.25 of the rules, and (2) the Supplemental Report and Order in Docket 8333 (the Daytime Skywave proceeding), adopted October 21, 1959 (FCC 59–1072, released October 28, 1959), which, inter alia, postponed the effective date of various changes in the Commission's rules concerning standard broadcast operations from October 30, 1959, to November 30, 1959;

It appears that there would be no useful purpose in beginning the processing of applications removed from the "freeze" by the amendment to § 1.351 until criteria to be used in that connection become effective on November 30, that the change in § 1.351 should become effective at the same time as the changes adopted in Docket 8333, and that therefore the public interest would be served by postponing the effective date of the amendments to § 1.351 until November 30, 1959.

In view of the foregoing: *It is ordered,* That the effective date of the amendments to § 1.351 of the Commission's rules contained in the order adopted herein on September 18, 1959 (FCC 59–971) is postponed from October 30 until November 30, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59–9323; Filed, Nov. 3, 1959; 8:48 a.m.]

[FCC 59–1110]

## PART 3—RADIO BROADCAST SERVICES

### Antenna Ammeters

In the matter of Amendment of § 3.39 of the Commission's rules and regulations to permit the use of plug-in type antenna ammeters by standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1959;

The Commission has before it a proposal to amend § 3.39 of its rules to permit the use of plug-in type antenna ammeters at standard broadcast stations.

On February 8, 1951, the Commission received a petition from the Florida Association of Broadcasters requesting that section 13B(3)(b) of the Standards of Good Engineering Practice concerning standard broadcast stations be amended so as to permit the use of plug-in type antenna ammeters in lieu of permanently wired-in meters. In support of its petition, the Association stated that antenna ammeters which are permanently wired into the antenna circuit are subjected to the hazard of lightning induced current surges and are frequently damaged or destroyed by such surges. The problem is said to be particularly acute in Florida and other southeastern States where severe thunderstorms occur frequently during certain seasons of the year. The petition cites the results of a survey in which member stations reported that everyone of them had found it necessary to repair or replace antenna ammeters which had been damaged by lightning, one or more times during the preceding 5 years. The cost of such repairs and replacements was said to amount to several thousands of dollars.

At the time the petition was submitted, the Commission was occupied with the problem of lifting the "freeze" on television construction and decided that as an interim measure, plug-in meters, if properly installed and arranged so that they could be inserted and removed from the circuit without interrupting transmissions, would be considered to comply with section 13B(3)(b) of the Standards of Good Engineering Practice. The petition was laid aside with a view toward revising the language of the Standard to make it clear that such use was permissive. The complex television proceedings extended into 1952 and, in view of the interim action taken, the petitioner did not press for further action on its petition. The Standards of Good Engineering Practice were subsequently recodified and made a part of the rules governing standard broadcast stations and section 13B(3)(b) became a part of § 3.39 of the rules.

In a recent review of its rules, it was found that § 3.39 of the rules had not been revised to conform to the practice of the Commission with respect to this requirement.

Authority for the adoption of this amendment is contained in sections

4(i), 303(e), and 303(r) of the Communications Act of 1934, as amended.

Since the amendment adopted herein represents a relaxation of a requirement of the rules by making it permissive to use plug-in type antenna ammeters and its purpose is to conform the rules with present practice, prior notice of rule making is unnecessary and the amendment may be made effective immediately.

Accordingly; *It is ordered,* That paragraph (c) of § 3.39 of the Commission's rules and regulations is hereby amended to read as follows, effective December 7, 1959:

**§ 3.39 Indicating instruments—specifications.**

* * * * *

(c) A thermocouple type ammeter meeting the requirements of paragraph (b) of this section shall be permanently installed in the antenna circuit or a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit so as to protect it from damage by lightning. Where a jack and plug arrangement is used, contacts shall be made of silver and capable of operating without arcing or heating, and shall be protected against corrosion. Insertion and removal of the meter shall not interrupt the transmissions of the station. When removed from the antenna circuit, the meter shall be stored in a suitable housing at the base of the tower in which it is used. Care shall be exercised in handling the meter to prevent damage which would impair its accuracy. Where the meter is permanently connected in the antenna circuit, provision may be made to short or open the meter circuit when it is not being used to measure antenna current. Such switching shall be accomplished without interrupting the transmissions of the station.

Released: October 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 59-9324; Filed, Nov. 3, 1959; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S.O. 931, Amdt. 3]

## PART 95—CAR SERVICE

### Movement of Ores Restricted; Appointment of Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of October A.D. 1959.

Upon further consideration of Service Order No. 931 (24 F.R. 5186, 7103, 8006), and good cause appearing therefor: *It is ordered,* That:

Section 95.931 *Movement of Ores Restricted; Appointment of Agent,* of Service Order No. 931, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., November 30, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., October 31, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That this order and amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 59-9325; Filed, Nov. 3, 1959; 8:48 a.m.]

# PROPOSED RULE MAKING

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[7 CFR Part 47]

## RULES OF PRACTICE UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

### Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering certain amendments to the rules of practice (7 CFR Part 47) issued pursuant to authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U.S.C. 499a et seq.). The purpose of the proposed amendments is to facilitate the handling of reparation cases.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments of the rules of practice should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., within twenty days of the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 47.2 amend paragraph (i) to read as follows:

**§ 47.2 Definitions.**

* * * * *

(i) "Examiner" means, when used herein in connection with a disciplinary proceeding, any examiner in the Office of Hearing Examiners, United States Department of Agriculture; and, when used herein in connection with a reparation proceeding, "examiner" is synonymous with "presiding officer," and means any attorney employed in the Office of the General Counsel of the Department.

2. Amend § 47.4 to read as follows:

**§ 47.4 Service; proof of service.**

Service of all papers and documents required to be served on the parties in any proceeding under these rules shall be made by the Division, unless otherwise provided herein or directed by an examiner or the Secretary, and shall be made either (a) by registering or certifying and mailing a copy of the document or paper, addressed to the individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence; or (b) if such registered or certified matter is returned undelivered for any reason, by mailing by regular mail a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence; or (c) by leaving a copy of the document or paper at the principal office, or place of business, or residence, of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record and by mailing by regular mail another copy to such person at such address; or (d) by delivering a copy of the document or paper to the individual to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association. Proof of service hereunder by a person other than an employee of the Department or a United States Marshal or his deputy shall be made by the affidavit of the person who actually made the service. Proof of service hereunder by an employee of the Department or a United States Marshal or his deputy shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by registered or certified mail, as outlined in paragraph (a) of this section, proof of service shall be made by the return post-office receipt, except that, if the registered or certified matter is returned undelivered for any reason, proof of service may be made by the certificate of the person who thereafter mailed the same matter by regular

mail. The affidavit, certificate, or post-office receipt contemplated herein shall be filed with the hearing clerk.

3. Amend § 47.7 to read as follows:

**§ 47.7 Report of investigation.**

Where the facts and circumstances are deemed by the Director to warrant such action, the Division shall serve upon each of the parties a copy of the report made by the Division in connection with its investigation of the informal or formal complaint. Whenever the Secretary or the Director, or the examiner deems it necessary, a supplemental investigation shall be made by the Division and a copy of the report thereon shall be served upon the parties. If an answer is filed by respondent, a copy of any report or reports of investigation served upon the parties shall be filed with the hearing clerk and shall be considered as part of the evidence in the proceeding: *Provided,* That either party shall be permitted to submit evidence in rebuttal in the same manner as is provided in the regulations in this part for the submission of other evidence in the proceeding.

4. In § 47.8 add paragraph (d) to read as follows:

**§ 47.8 The answer.**

* * * * *

(d) *Procedure upon admission of facts.* Upon the admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint, an order may be issued without further procedure, official notice being taken of the license status of the respondent and the date of filing of the informal complaint, as disclosed by the records of the Department.

5. In § 47.11 amend paragraph (a) to read as follows:

**§ 47.11 Examiners.**

(a) *Disqualification.* No person who (1) has any pecuniary interest in any matter of business involved in the proceeding, or (2) is related within the third degree by blood or marriage to any of the persons involved in the proceeding shall serve as examiner in such proceeding.

**§ 47.15 [Amendment]**

6. In § 47.15 delete subparagraph (7) of paragraph (f).

7. In § 47.25 amend the heading and add a new paragraph (f) as follows:

**§ 47.25 Filing; extensions of time; effective date of filing; computations of time; reopening after default; official notice.**

* * * * *

(f) *Official notice.* In any proceeding official notice may be taken of (1) such matters as are judicially noticed by the courts of the United States; (2) any other matter of technical, scientific, or commercial fact of established character; and (3) relevant publications and records of the Department.

**§ 47.45 [Deletion]**

8. Delete § 47.45.

(Sec. 15, 46 Stat. 537, as amended; 7 U.S.C. 499o)

Done at Washington, D.C., this 29th of October 1959.

S. T. WARRINGTON,
*Acting Deputy Administrator, Agricultural Marketing Service.*

[F.R. Doc. 59-9311; Filed, Nov. 3, 1959; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 302 ]

[Procedural Regs., Docket No. 10964]

## RULES OF PRACTICE IN ECONOMIC PROCEEDINGS COMPLAINTS REQUESTING SUSPENSION OF TARIFFS

### Notice of Proposed Rule Making

OCTOBER 29, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed amendment to Rule 505(b) of Part 302 of the Procedural Regulations.

The principal features of the proposed amendment are explained in the Explanatory Statement set forth below and the proposed amendment to Part 302 is set forth below. This regulation is proposed under the authority of sections 204(a), 1001 and 1002 of the Federal Aviation Act of 1958 (72 Stat. 743, 788, 790; 49 U.S.C. 1324, 1481, 1482).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before December 3, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after December 7, 1959, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
*Acting Secretary.*

*Explanatory statement.* Section 302.505(b) of Part 302 of the Procedural Regulations currently requires complaints requesting suspension of a tariff to be filed with the Board at least 15 days prior to the date on which the particular tariff is to become effective. The instant proposal would require direct air carriers to file such complaints within 15 days after the filing date of the tariff.

Most tariffs filed with the Board provide the statutory minimum of 30 days' notice, but sometimes tariffs are filed on more than 30 days' notice. However, even where a tariff is filed on more than 30 days' notice, under current Rule 505(b) the filing carrier remains uncertain of whether complaints requesting suspension will be filed until 15 days prior to the effective date, and only 15 days are available to the Board to complete action on the complaint. In such instances, therefore, a reasonable and equitable modification of the current rule may provide the filing carrier with earlier notice of whether its tariff will be subject to complaints by other direct carriers requesting suspension, and may provide the Board with more than 15 days for completing action on a complaint.

Accordingly, it is proposed to amend the current rule to require all complaints by direct air carriers to be filed within 15 days after the filing date of a tariff, rather than 15 days before its effective date. It is the Board's belief that 15 days is a reasonable period to allow for the filing by direct air carriers of complaints requesting suspension of tariffs and one that can be met by such carriers without any undue difficulty, since knowledge of tariff filings is readily available to them through their expert staffs, trade publications, and their tariff agents.

It is believed, on the other hand, that it would impose an undue burden upon members of the general public and indirect air carriers to require them to file a complaint requesting suspension of a tariff within 15 days after a tariff was filed. While tariffs posted in the business offices of air carriers bear an effective date, such tariffs do not bear a filing date. The filing date of a tariff appears only on the document on file with the Board in Washington, D.C., and members of the general public and indirect carriers lack the facilities available to direct air carriers for obtaining knowledge of when tariffs are filed with the Board. Accordingly, under this proposal persons other than direct air carriers would continue to be permitted to file a complaint requesting suspension of a tariff filed with the Board at least 15 days before the effective date of the tariff.

Accordingly, it is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by amending § 302.505 to read as follows:

**§ 302.505 Complaints requesting suspension of tariffs.**

(a) * * *

(b) A complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least fifteen (15) days before the effective date of the tariff, or if complainant is a direct air carrier, unless made in conformity with this section and filed with the Board within fifteen (15) days after the date the tariff was filed with the Board. * * *

[F.R. Doc. 59-9326; Filed, Nov. 3, 1959; 8:49 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### CASPER SALES PAVILION

### Deposting of Stockyard

It has been ascertained that the Casper Sales Pavilion, Casper, Wyoming, originally posted on August 8, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 29th day of October 1959.

LEE D. SINCLAIR,
*Acting Director, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 59-9313; Filed, Nov. 3, 1959; 8:47 a.m.]

### TRI-STATE AUCTION ET AL.

### Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Tri-State Auction, Strasburg, Colo.
Burkesville Stockyard, Burkesville, Ky.
Dale D. Seabaugh Auction Barn, Sedgewickville, Mo.
Lake Region Auction Market, Devils Lake, N. Dak.
Oak Harbor Livestock Sales, Oak Harbor, Ohio.
Scio Auction Co., Scio, Ohio.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of October 1959.

LEE D. SINCLAIR,
*Acting Director, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 59-9314, Filed, Nov. 3, 1959; 8:47 a.m.]

### Commodity Stabilization Service

### PEANUTS

### Marketing Quota; Notice of Referendum for 1960, 1961, and 1962 Crops

The Secretary of Agriculture has duly proclaimed, pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) (hereinafter referred to as the "Act"), a national marketing quota for the crop of peanuts to be produced in 1960 (24 F.R. 8211).

A referendum of the farmers who were engaged in the production of peanuts in the calendar year 1959 will be held on December 15, 1959, pursuant to the provisions of section 358 of the Act, as amended (7 U.S.C. 1358), and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended (23 F.R. 3432, 7285), to determine whether said farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts to be produced in the calendar years 1960, 1961, and 1962. If two-thirds or more of the peanut farmers voting in the referendum favor marketing quotas, marketing quotas will be in effect for the 1960, 1961, and 1962 crops of peanuts. If more than one-third of the peanut farmers voting in such referendum oppose marketing quotas, marketing quotas will not be in effect for the 1960 crop of peanuts; however, farm acreage allotments for the 1960 crop of peanuts established pursuant to the provisions of the Act will be in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et. seq.), at 50 percent of the parity price of peanuts.

Notice of the proposed holding of a referendum for the 1960, 1961 and 1962 crops of peanuts was published in the FEDERAL REGISTER of October 9, 1959 (24 F.R. 8239), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be in effect upon filing of this document with the Director, Office of the Federal Register.

Done at Washington, D.C., this 30th day of October 1959.

CLARENCE D. PALMBY,
*Acting Administrator, Commodity Stabilization Service.*

[F.R. Doc. 59-9329; Filed, Nov. 3, 1959; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[File 26-432]

### RO-NARD, INC., ET AL.

### Order Vacating Temporary Denial Order

In the matter of Ro-Nard, Inc., LILY S. S. WOLFENSON, 300 West 53d Street, New York, New York; Alberto Azar, 965 San Jose, Montevideo, Uruguay; Respondents.

The respondents herein, having been denied temporarily all export privileges by an order dated October 5, 1959 (24 F.R. 8192, Oct. 8, 1959), and they having moved that the order be vacated, and the Director, Investigation Staff, Bureau of Foreign Commerce, having filed a cross-motion for an extension thereof, a hearing thereon was held by the Compliance Commissioner, who has recommended that the respondents' motion be granted and that the cross-motion be denied.

Although, at the time when the original application for the temporary denial order was submitted, it appeared that the respondents had been engaged in a conspiracy to export electronic materials from the United States without regard to the Export Control Regulations, the undersigned now concludes, from the evidence submitted and assurances given at the hearing, that it is not now necessary, for effective enforcement of the law, that the respondents be subjected to a temporary denial of export privileges. *It is therefore ordered:*

I. That the motion, on behalf of the respondents to vacate the order of October 5, 1959, be and the same hereby is granted;

II. That the cross-motion, on behalf of the Director of the Investigation Staff of the Bureau of Foreign Commerce for an extension thereof, be and the same hereby is denied; and

III. That the temporary denial order dated October 5, 1959, be and the same hereby is vacated, without prejudice to any proceeding which the Director of the Investigation Staff may deem advisable by reason of prior contraventions by any of the respondents.

Dated: October 30, 1959.

FRANK W. SHEAFFER,
*Acting Director,*
*Office of Export Supply.*

[F.R. Doc. 59-9322; Filed, Nov. 3, 1959; 8:48 a.m.]

## Federal Maritime Board

[Docket No. 868]

## MISCLASSIFICATION OF DIATOMACEOUS OR INFUSORIAL EARTH AS SILICA

### Notice of Investigation, of Supplemental Order, and of Hearing

On September 3, 1959, the Federal Maritime Board entered the following order:

It appearing that cargoes have been carried from ports of the United States on the Gulf of Mexico to Europe during 1958 and 1959 for Great Lakes Carbon Corporation and/or its subsidiary F. W. Berk and Company, Inc., and Johns-Mansville International Company, which shipments were forwarded by Mattoon and Company, Inc., and H. P. Lampert Company, Inc., and were in fact infusorial or diatomaceous earth but were misclassified as silica, and were carried by:

Aktiebolaget Svenska Amerika Linien (Swedish American Line).
Wilhelmsen Line—Joint service of Wilhelmsens Dampskibsaktieselskab:
A/S Den Norske Afrika—Og Australielinie.
A/S Tonsberg.
A/S Tankfart I.
A/S Tankfart IV.
A/S Tankfart V.
A/S Tankfart VI.
Zim, Israel American Lines—Joint Service of:
Zim Israel Navigation Co., Ltd.
Israel America Line, Ltd.
M. Dizengoff & Co. (Shipping) 1949, Ltd.
M. Dizengoff & Co. (Navigation) 1951, Ltd.
Lykes Bros. Steamship Co., Inc.;

*Therefore, it is ordered,* That an investigation is hereby instituted under section 22 of the Shipping Act, 1916 (46 U.S.C. 821) to determine whether such misclassifications did occur and whether section 16 of said Act (46 U.S.C. 815) was violated thereby.

All of the persons named above are hereby made respondents in this proceeding which is to be set for hearing before an Examiner from the Hearing Examiners' Office at a time and place to be announced, and a copy hereby is to be served on each of the respondents.

*Supplemental order.* On October 26, 1959, the Federal Maritime Board entered the following supplemental order to the above original order dated September 3, 1959, in this proceeding:

It appearing that cargoes have been carried from ports of the United States on the Gulf of Mexico to South Africa during 1959 for Great Lakes Carbon Corporation and its subsidiary F. W. Berk and Company, Inc., and Johns-Manville International Company, which shipments were forwarded by Mattoon and Company, Inc., and H. P. Lampert Company, Inc., and were in fact infursorial or diatomaceous earth but were misclassified as silica, and were carried by Baron Iino Line which was represented by U.S. Navigation Company, Inc.; and

It further appearing that Strachan Shipping Co. acted as agent for certain carriers named as respondents in the original order instituting this proceeding;

*Therefore, it is ordered,* That this proceeding is expanded to determine whether the misclassification of cargoes moving to South Africa did occur and whether section 16 of the Shipping Act, 1916 (46 U.S.C. 815) was violated thereby.

All of the persons named above are hereby made respondents in this expanding proceeding, in addition to those heretofore made respondents, and a copy hereof is to be served on each of the respondents.

Pursuant to the above orders, notice has been given to parties of record that the hearing herein will be held before Chief Examiner G. O. Basham, at New Orleans, Louisiana, on November 23, 1959, beginning at 10 o'clock a.m., notice of location of hearing room to be announced later. Parties of record will be individually served with notice of the location of the hearing room prior to hearing. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary, Federal Maritime Board, promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: October 30, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
*Secretary.*

[F.R. Doc. 59-9316; Filed, Nov. 3, 1959; 8:47 a.m.]

## Office of the Secertary

## ROBERT de S. COUCH

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 20, 1959.

ROBERT DE S. COUCH.

OCTOBER 21, 1959.

[F.R. Doc. 59-9315; Filed, Nov. 3, 1959; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. 15268 etc.]

## CARTER OIL CO. ET AL.

### Notice of Applications and Date of Hearing

OCTOBER 28, 1959.

In the matters of The Carter Oil Company,[1] Docket No. G-15268; Joe M. Burnham,[2] Docket No. G-16022; Tucker Gas Company, Operator,[3] Docket No. G-16440; W. B. Gibson and O.M. Harris, et al.,[4] Docket No. G-16561; Travis T. Hailey, Operator, et al.,[5] Docket No. G-16780; Pratt-Hewit Oil Corporation, et al.,[6] Docket No. G-16881; Gulf Oil Corporation,[7] Docket No. G-16882; Hunt Oil Company,[8] Docket No. G-16944; Ben J. Taylor, Docket No. G-16950; Texaco Inc. (formerly The Texas Company), Docket No. G-16988; Southwest Gas Producing Company, Inc., et al.,[9] Docket No. G-17404; Dick Wegener and C. E. Davis, d/b/a Dick Wegener, Drilling Contractor,[10] Docket No. G-17643; Frederick W. Mueller, et al.,[11] Docket No. G-17644; B&M Construction Corporation, Docket No. G-17745.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, and Purchaser*

G-15268; Bull Creek Field, Union Parish, La.; Texas Gas Transmission Corp.

G-16022; Mooringsport Field, Caddo Parish, La.; Arkansas Louisiana Gas Co.

G-16440; Acreage in Stephens County, Okla.; Lone Star Gas Co.

G-16561; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.

G-16780; East Panhandle Field, Collingsworth County, Tex.; El Paso Natural Gas Co.

G-16881; East Beeville Field, Bee County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-16882; Quinduno and North Quinduno Fields, Roberts County, Tex.; Natural Gas Pipeline Co. of America.

G-16944; Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.

See footnotes at end of document.

G–16950; Pleasant Valley Field, Ford County, Kans.; Panhandle Eastern Pipe Line Co.

G–16988; Atchafalaya Bay Field, St. Mary Parish, La.; Tennessee Gas Transmission Co.

G–17404; Bull Creek Field, Union and Claiborne Parish, La.; Texas Gas Transmission Corp.

G–17643; Nellie Field, Stephens County, Okla.; Lone Star Gas Co.

G–17644; Plymouth and East Taft Fields, San Patricio County, Tex.; W. J. Riley, d/b/a Banquete Gas Co.

G–17745; Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Amendment filed August 25, 1958 corrects acreage description as shown in the original application.

[2] Joe E. Burnham is filing for himself and as agent for 22 additional co-owners. Joe E. Burnham is the only signatory seller party to the subject gas sales contract.

[3] Tucker Gas Company, Operator, is filing as plant operator and lists in the related rate schedule filing the producers from whom it purchases gas for processing, which producers are paid a percentage of the proceeds received from the resale of the residue gas.

[4] On January 8, 1959 Applicants filed a letter in which is listed the following parties, which parties comprise the et al.: Virgil E. Stanley, Rufus Stemple, William E. Gayle, W. G. Edmons, Duling Bros. Co., Bruce Easton, L. A. Edinger, F. R. Rogers, Robert Morgan, Edward Starcher, Gerald Jones, Clarence Cooper, Corel O. Poling, Oral Nicholas and Euell Hoskins. Applicant, O. M. Harris acquired by instrument of assignment dated August 26, 1958, Gail Nutter's 6/32 interest in the subject acreage. Applicants propose to continue the service previously being rendered by Gail Nutter, et al.

[5] Travis T. Hailey, Operator, is filing for himself and on behalf of L. R. Spradling, nonoperator. Both are signatory seller parties to the subject gas sales contract.

[6] Pratt-Hewit Oil Corporation and Chizum, Rhodes and Hicks are both signatory seller parties to the subject gas sales contract.

[7] Application covers an amendatory agreement dated April 23, 1958, which adds additional producing horizons to a basic gas sales contract dated January 3, 1956, as amended.

[8] Application covers a ratification agreement dated September 11, 1958 of a basic gas sales contract dated August 1, 1958, between Placid Oil Company, Seller, and Arkansas Louisiana Gas Company, Buyer. Both Applicant and Arkansas Louisiana are signatory parties to the subject ratification agreement.

[9] Southwest Gas Producing Company, Inc., is filing for itself and on behalf of W. C. Feazel, Gertrude Feazel Anderson, G. M. Anderson and Lallage Feazel. All are signatory seller parties to the subject gas sales contract.

[10] Dick Wegener and C. E. Davis, d/b/a Dick Wegener, Drilling Contractor, is a partnership and both above-mentioned partners are signatory seller parties to the subject gas sales contract.

[11] Frederick W. Mueller, O. D. Edwards, Edmond J. Ford, Jr., and Harry W. Hamilton are filing jointly and are all signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59–9302; Filed, Nov. 3, 1959; 8:45 a.m.]

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[Docket Nos. G–16314, G–19943]

## H. L. HAWKINS & H. L. HAWKINS, JR.

### Order Permitting Change in Rate Presently Under Suspension Due to Reduction in Louisiana Gathering Tax and Increase in Louisiana Severance Tax and Order for Hearing and Suspending Proposed Change in Rate [1]

OCTOBER 28, 1959.

On September 28, 1959, H. L. Hawkins & H. L. Hawkins, Jr. (Hawkins), tendered for filing a proposed change to a rate now in effect subject to refund, in Docket No. G–16314. The proposed change pertains to natural gas produced in Valentine Field, La Fourche Parish, Louisiana, and sold to United Fuel Gas Company and is designated as Supplement No. 4 to Hawkins' FPC Gas Rate Schedule No. 7.[2] The aforementioned supplement reflects reimbursement of the increase in the Louisiana gas severance tax and the decrease of the Louisiana gas gathering tax, both effective as of December 1, 1958, and thereby decreased the level of rate under review in Docket No. G–16314 from 19.35 cents per Mcf at 15.065 psia to 19.1 cents. The proposed supplement relates only to the tax adjustment provisions of Hawkins' suspended rate and in no way affects the rate suspension proceeding in Docket No. G–16314.

On September 30, 1959, Hawkins filed a second proposed change designated as Supplement No. 5 to Hawkins' FPC Gas Rate Schedule No. 7. The tender, which reflects a contractually provided periodic type increase, proposes to increase the level of rate from 19.1 cents per Mcf at 15.025 psia to 19.5 per Mcf. In support thereof, Hawkins refers to certain data submitted to the Commission on December 15, 1958, in connection with a motion to terminate the proceedings in Docket Nos. G–12306, G–16314, G–16886, G–14184, G–16239, G–11625, G–13842, G–16891, and G–17066. These matters are currently under consideration.

The Commission finds:

(1) It is appropriate and in the public interest that Supplement No. 4 to Hawkins FPC Gas Rate Schedule No. 7 be permitted to be filed in Docket No. G–16314, and that the aforementioned supplement be permitted to become effective as hereinafter ordered.

(2) The change in rate set out in Supplement No. 4 to Hawkins' FPC Gas Rate Schedule No. 7 and hereby permitted to become filed in no way modifies, amends, or changes the rate suspension proceeding involved in Docket No. G–16314.

(3) The increased rate and charge proposed in Supplement No. 5 to Hawkins FPC Gas Rate Schedule No. 7 has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission orders:

(A) Supplement No. 4 to Hawkins' FPC Gas Rate Schedule No. 7 be permitted to be filed, with notice requirements waived, to be effective as of April 1, 1959, the date Supplement No. 2 to said schedule was made effective by Commission order issued May 27, 1959, in the proceeding in Docket No. G–16314.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Hawkins' FPC Gas Rate Schedule No. 7.

(C) Pending such hearing and decision thereon, said Supplement No. 5 be and it is hereby suspended and the use thereof deferred until April 1, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby permitted to be effective, the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[2] Hawkins was informed by Commission letter dated August 25, 1959, that said rate schedule had been redesignated from H. L. Hawkins, et al. FPC Gas Rate Schedule No. 7 to H. L. Hawkins & H. L. Hawkins, Jr. FPC Gas Rate Schedule No. 7.

practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 59-9303; Filed, Nov. 3, 1959; 8:45 a.m.]

[Project 1971]

## IDAHO POWER CO.

### Order Fixing Hearing

OCTOBER 28, 1959.

Application was filed October 19, 1959, by Idaho Power Company, licensee for Project No. 1971, composed of the Brownlee, Oxbow, and low Hells Canyon developments on the Snake River in Idaho and Oregon, for a supplemental order prescribing fish facilities for the project pursuant to Article 35 of the license.

In Article 35 of the license for Project No. 1971, issued August 4, 1955 (14 FPC 55, 80), the Commission provided substantially that the licensee shall construct, maintain, and operate such fish facilities for the purpose of conserving the fishery resources and comply with such reasonable modifications of the project structures and operation in the interest of fish life as may be prescribed thereafter by the Commission upon its own motion or upon the recommendations of the Secretary of the Interior and the conservation agencies of the States of Idaho and Oregon.

By order issued February 12, 1958 (19 FPC 237), the Commission, pursuant to Article 35 of the license for Project No. 1971, prescribed certain fish facilities for the Brownlee and Oxbow developments of the project, subject to the provisions, among others, that the facilities shall be subject to such reasonable modifications as the Commission may thereafter prescribe upon recommendation of the Secretary of the Interior, the Idaho Department of Fish and Game, and the Oregon Fish and Game Commissions and that nothing in the order shall be construed as full compliance with Article 35.

The above-mentioned application requests an order prescribing the fish facilities to be installed at the low Hells Canyon development and providing for a modification of the fish facilities heretofore prescribed to be installed at the Oxbow development. The stated reason for this request is to permit temporary facilities to be installed at the low Hells Canyon development for handling upstream migrants prior to the time when the first generating unit at the Oxbow development is ready for operation and to avoid lengthy and costly delays in the construction schedule of the Oxbow development.

We have been advised that the licensee and the fishery agencies have been unable to reach an agreement regarding the proposed fish facilities through conferences and meetings.

In its letter dated October 15, 1959, transmitting the afore-mentioned application, the licensee informs us that it is essential that the facilities to be installed for the handling of fish at the low Hells Canyon development be determined within the next 60 days and requests that this matter be set for prompt hearing so that such determination may be made and an appropriate order be entered at the earliest possible date.

The Commission finds: In the circumstances recited herein, it is appropriate and in the public interest that a public hearing be held concerning the pending application for a supplemental order prescribing fish facilities for Project No. 1971.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and by Article 35 of the license for Project No. 1971, and the Commission's rules of practice and procedure, a public hearing shall be held at 10 a.m., e.s.t., December 7, 1959, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in the pending application for a supplemental order prescribing fish facilities for Project No. 1971.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 59-9304; Filed, Nov. 3, 1959; 8:46 a.m.]

[Docket No. G-10799]

## PAN AMERICAN PETROLEUM CORP. ET AL.

### Notice of Application and Date of Hearing

OCTOBER 28, 1959.

Take notice that Pan American Petroleum Corporation, Operator, et al. (Applicant) an independent producer having its principal place of business at Tulsa, Oklahoma, filed on March 2, 1959,[1] as amended April 27, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

By order issued May 31, 1956, In the Matters of Gas Lands Company, et al., Docket Nos. G-2867, et al., Earl A. Benson and William V. Montin (Benson and Montin) operators, were authorized in Docket No. G-4561 to sell gas to El Paso Natural Gas Company (El Paso) from production from the Gallegos Canyon Unit, West Kutz—Pictured Cliffs Field, San Juan County, New Mexico. The gas sale contract, dated December 6, 1951, filed as Benson, E. A. & Montin W. V., et al., FPC Gas Rate Schedule No. 1, has now been redesignated and is on file as Pan American Petroleum Corporation, Operator, et al., FPC Gas Rate Schedule No. 163.

Applicant states that on October 1, 1954, it succeeded Benson and Montin as Operator of the Gallegos Canyon Unit. Benson and Montin have assigned their interest in the subject property to W. J. Knighton who subsequently assigned his interest to George J. Darneille. Applicant obtained signatory status to said contract by a ratification agreement dated January 16, 1959, between Applicant and El Paso.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 59-9305; Filed, Nov. 3, 1959; 8:46 a.m.]

[Docket No. G-14458 etc.]

## RODMAN-NOEL OIL CORP. ET AL.

### Notice of Applications and Date of Hearing

OCTOBER 28, 1959.

In the matters of Rodman-Noel Oil Corporation, Operator,[1] Docket No. G-14458; Cities Service Oil Company, Docket No. G-14522; George Jackson, Docket No. G-14880; Humble Oil & Refining Company, [2][3][4][5] Docket Nos. G-

[1] The application of March 2, 1959, supersedes an original application filed jointly by Pan American and Benson and Montin in Docket No. G-10799 on July 23, 1956. The co-owners covered by the March 2, 1959 filing are: Devonian Gas & Oil Company, Elma R. Jones, Paulene S. McNaughton, Edward J. Johnson, Delta Oil Company, and George J. Darneille.

See footnotes at end of document.

15545, G–16231 and G–16741; Phillips Petroleum Company, [6 7] Docket Nos. G–16157 and G–16909; William L. McKnight d/b/a La Gorce Oil Company, [8] Docket No. G–16495; Pan American Petroleum Corporation, [9 10 11] Docket Nos. G–16557, G–16566, G–16567 and G–16996; The Carter Oil Company,[12] Docket No. G–16793; Texaco Inc. (formerly The Texas Company) [13] Docket No. G–16794.

Take notice that each of the above-named Applicants has filed an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

*Docket No., Field and Location, and Purchaser*

G–14458; Sweetie-Peck Field, Midland County, Tex.; El Paso Natural Gas Co.
G–14522; Panhandle Field, Moore County, Tex.; Phillips Petroleum Co.
G–14880; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.
G–15545; Acreage in Hansford County, Tex.; Northern Natural Gas Co.
G–16157; Hogsback Area, Sublette County, Wyo.; Pacific Northwest Pipeline Corp.
G–16231; Cooper-Jal Field, Lea County, N. Mex.; El Paso Natural Gas Co.
G–16495; Spraberry Trend Field, Regan County, Tex.; El Paso Natural Gas Co.
G–16557; Aztec and Blanco Fields (Pictured Cliffs), San Juan County, N. Mex.; El Paso Natural Gas Co.
G–16566; Hansford Field, Hansford County, Tex.; Northern Natural Gas Co.
G–16567; Hansford Field, Hansford County, Tex.; Northern Natural Gas Co.
G–16741; South Andrews Field, Andrews County, Tex.; El Paso Natural Gas Co.
G–16793; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.
G–16794; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.
G–16909; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.
G–16996; Langlie-Mattix and Jalmat Fields, Lea County, N. Mex.; El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1959 at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Rodman-Noel Oil Corporation, Operator, is filing for itself and as Operator, lists in the application, together with the percentage of interest owned by each the following non-operators: E. G. Rodman, Reading & Bates, Inc., and General American Oil Company. Production from subject acreage is being sold pursuant to gas sales contract dated May 1, 1952, between Trebol Oil Company, seller, and El Paso, buyer. Applicant acquired a portion of its working interest in subject acreage by assignment from Trebol dated June 29, 1958, which assignment limits production to the San Andres Formation.

[2] Application in Docket No. G–15545 covers an amendatory agreement dated March 1, 1958, which adds additional producing horizons to a basic gas sales contract dated January 22, 1957, as amended.

[3] Application in Docket No. G–16231 covers an amendatory agreement dated July 24, 1958, which adds additional acreage to a basic gas sales contract dated August 15, 1952, as amended.

[4] Application in Docket No. G–16741 covers an amendatory agreement dated September 17, 1958, which adds additional acreage to a basic gas contract dated March 1, 1956.

[5] Effective on or about December 1, 1959, Humble Oil & Refining Company, a Texas corporation, proposes to transfer all of its assets and properties to a new company, Humble Oil & Refining Company, a Delaware corporation, as described in Docket No. G–19532.

[6] Application in Docket No. G–16157 covers an amendatory agreement dated June 4, 1958, which adds additional acreage to a basic gas sales contract dated June 23, 1956, as amended. Amendment filed covers three separate letter agreements, which revise certain terms of the basic contract.

[7] Application in Docket No. G–16909 covers an amendatory agreement dated July 17, 1958, which adds additional acreage to a basic gas sales contract dated August 24, 1956.

[8] W. L. McKnight, d/b/a La Gorce Oil Company is filing for himself and lists as a portion of the related rate schedule filings, the following nonsignatory co-owners whose shares of the gas produced will be disposed of under the subject gas sales contract: A. G. Bush, G. H. Halpin, L. F. Weyand, H. P. Buetow, J. G. Ordway, J. C. Duke, R. G. Drew, A. D. MacNutt, B. H. Voss and J. L. Hayes. W. L. McKnight is the only signatory seller party to the subject gas sales contract.

[9] Application in Docket No. G–16557 covers an amendatory agreement dated April 3, 1958, which adds additional acreage to a basic gas sales contract dated March 13, 1957, as amended, which contract limits production to horizons down to and including the Pictured Cliffs Formation.

[10] Docket Nos. G–16566 and G–16567 cover proposed sales of natural gas under two separate amendatory agreements dated July 14, 1958, and September 2, 1958, respectively, which add additional acreages to the same basic gas sales contract dated January 16, 1957, as amended.

[11] Application in Docket No. G–16996 covers two amendatory agreements dated July 14, 1958 (Vaughn B–1 Lease) and August 20, 1958 (Eaves A–19 and B–19 Leases), which add additional acreage to a basic gas sales contract dated March 26, 1951, as amended. Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company) is a signatory seller party to the subject amendatory agreements.

[12] Application covers an amendatory agreement dated September 23, 1958, which adds additional acreage to a basic gas sales contract dated March 19, 1956, as amended.

[13] Application covers an amendatory agreement dated August 22, 1958, which adds additional acreage to a basic gas sales contract dated February 9, 1956, as amended.

[F.R. Doc. 59–9306; Filed, Nov. 3, 1959; 8:46 a.m.]

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[Docket No. 15115 etc.]

## SUNRAY MID-CONTINENT OIL CO. ET AL.

### Notice of Applications and Date of Hearing

OCTOBER 28, 1959.

In the matters of Sunray Mid-Continent Oil Company,[1] Docket No. G–15115; Resler & Sheldon, Operator,[2] Docket No. G–15117; Phillips Petroleum Company, Docket No. G–15137; Aztec Oil & Gas Company,[3] Docket No. G–15143; G. Stratton, Docket No. G–15158; Shoreline Petroleum Corporation, Operator, et al.,[4] Docket No. G–15193; Lario Oil & Gas Company, Docket No. G–15200; Northwest Production Corporation,[5] Docket No. G–15209; Wood River Oil & Refining Company, Inc., Operator,[6] Docket No. G–15343; Union Oil Company of California, Docket No. G–15350; Phillips Petroleum Company, Docket No. G–15459; Pan American Petroleum Corporation,[7] Docket No. G–15504; Keener Oil Company,[8] Docket No. G–16462.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, and Purchaser*

G–15115; Leslie Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.
G–15117; Langlie-Mattix and Jalmat Fields, Lea County, N. Mex.; El Paso Natural Gas Co.
G–15137; Denver Area, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.
G–15143; Blanco (Mesa Verde) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.
G–15158; Noelke N. E. Queen Field, Crockett County, Tex.; El Paso Natural Gas Co.
G–15193; Brandt Extension, Goliad County, Tex.; Texas Eastern Transmission Corp.
G–15200; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Co.
G–15209; San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.; Pacific Northwest Pipeline Corp.
G–15343; Ballard (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

See footnotes at end of document.

G-15350; East Lake Palourde Field, Assumption Parish, La.; Texas Gas Transmission Corp.

G-15459; Acreage in Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.

G-15504; Aztec (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

G-16462; Laverne Field, Harper County, Okla.; Michigan-Wisconsin Pipe Line Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Application covers an amendatory agreement dated March 1, 1958 which adds additional acreage to a basic gas sales contract dated June 4, 1956. Sunray was authorized in Docket No. G-10532 to sell gas under the basic contract. The subject acreage has been attributed to the Allen Adams Unit to complete a 640-acre gas unit, however, the producing well is located on that portion of the unit for which authorization was previously issued in Docket No. G-10532.

[2] Resler and Sheldon, a partnership composed of Dale Resler and Vilas P. Sheldon, Operator, is filing for itself and, as Operator, lists in the related rate schedule filings the following nonoperators with their percentages of working interests: Della Sheldon, Nearburg & Ingram, C. C. Loveless, Peerless Oil & Gas Company, Leonard Oil Company, Gordon Cone and Amerada Petroleum Corporation. Applicant is the only signatory seller party to the subject amendatory agreements through the signature of Vilas P. Sheldon, Partner.

[3] Production is limited to the Mesa Verde Formation.

[4] Shoreline Petroleum Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Sidney L. Abramson, Harry Greensfelder, Jr., Morris Mizel and Lillian Sanditen. All are signatory seller parties to the amendatory and/or ratification agreement dated August 29, 1957, which adds additional acreage to a basic gas sales contract dated March 1, 1952, between Rock Hill Oil Company (predecessor in interest to Shoreline), et al., sellers, and Wilcox (assignor of Texas Eastern Transmission Corporation), buyer. Sidney L. Abramson, Harry Greensfelder, Jr., and Lillian Sanditen became signatory seller parties to the aforesaid basic contract by and to the extent of the subject agreement dated August 29, 1957.

[5] Production from the Federal-SF081239 and Fee-Elmer G. Johnson, et al., leases is limited to depths down to base of the Mesaverde Formation and production from the Indian-Jicarilla Tribal Contract No. 87 is limited to depths down to base of the Gallup Formation.

[6] Wood River Oil & Refining Company, Inc., Operator, is filing for its working interest in certain acreages and, as Operator, lists El Dorado Refining Company (nonoperator) as owner of remaining interest in subject acreages. Both are signatory seller parties to the subject amendatory agreements. The basic contract limits production to horizons down to and including the Pictured Cliffs Formation.

[7] Production is limited to depths down to and including the Pictured Cliffs Formation.

[8] The gas sales contract limits production to depths above base of the Mississippian Formation.

[F.R. Doc. 59-9307; Filed, Nov. 3, 1959; 8:46 a.m.]

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[Docket No. G-18153]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application and Date of Hearing

OCTOBER 28, 1959.

Take notice that on March 25, 1959, Texas Gas Transmission Corporation (Applicant), filed an application in Docket No. G-18153, pursuant to section 7(b) of the Natural Gas Act for authority to abandon (1) a meter station, (2) a 6-inch pipeline and parallel 10-inch pipeline extending westward approximately 4.5 miles from Applicant's 12-inch Oaktown-Montezuma, Indiana pipeline to points of connection with the distribution system of Terre Haute Gas Corporation (Terre Haute) serving the Terre Haute area in Vigo County, Indiana, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The meter station is attached to the western terminus of the 10-inch line at the city gate. The eastern termini of the 6- and 10-inch lines are each attached to the 12-inch Oaktown-Montezuma line.

Applicant states that in 1929 and 1931 the pipelines, now proposed for abandonment, were laid to transport gas to Terre Haute. When constructed, the pipelines traversed primarily a rural area, but the growth of the city of Terre Haute has changed this area to primarily a residential suburban area. Numerous farm taps are attached to both the 6- and 10-inch lines to be abandoned. Deliveries are made by Texas Gas to Terre Haute at these taps for resale. The 6-inch line is devoted entirely to farm tap service, whereas the 10-inch line is used primarily for deliveries at the city gate with incidental farm tap service.

Applicant proposes to sell the subject pipelines and related meter station and appurtenant equipment to Terre Haute since it is stated all customers located along the pipelines are served by Terre Haute, and the pipelines are in effect an extension of Terre Haute's distribution facilities and can best be operated and maintained by it. The integration of these facilities into Terre Haute's system will provide flexibility for its future expansion.

Applicant states it will build a new meter station at a point near the intersection of the 10-inch line (to be sold to Terre Haute) and Applicant's 12-inch Oaktown-Montezuma line. Deliveries to Terre Haute will be measured at the new meter station. Valves connecting deliveries to the 6-inch line to Texas Gas' 12-inch line will be closed and all deliveries to the 6-inch line for the farm taps will be made from the main Terre Haute distribution system.

Texas Gas claims construction of the new meter station is exempt under § 2.55(c) of the rules of practice and procedure.

Texas Gas proposes to sell the pipelines, taps and meter station, mentioned herein, to Terre Haute for $29,431.86 which is their net depreciated book value as of June 30, 1958. The estimated cost of the new meter station is $10,815, to be defrayed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applictaions: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 59-9308; Filed, Nov. 3, 1959; 8:47 a.m.]

[Docket No. 16194 etc.]

## TIDEWATER OIL CO. ET AL.

### Notice of Applications and Date of Hearing

OCTOBER 28, 1959.

In the matters of Tidewater Oil Company,[1] Docket No. G-16194; Pan American Petroleum Corporation, Docket No. G-16196; W. J. Riley, d/b/a Banquete Gas Company,[2] Docket No. G-16199; Gulf Oil Corporation,[3] Docket No. G-16201; Van Grisso Oil Company,[4] Docket No. G-16203; Arkansas Fuel Oil Corporation, Operator, et al.,[5] Docket No. G-16204; General Oil Company, Inc., et al.,[6] Docket No. G-16209; Guyan Gas Company,[7] Docket No. G-16210; Harry Wines, Docket No. G-16211; Pubco Petroleum Corporation, Docket No. G-16212 ; Bruce Anderson, Docket No. G-16213; Gulf Oil Corporation, Docket No. G-16221; B. F. Ussery, d/b/a Melba Production Company, Operator,[8] Docket No. G-16269; Le Cuno Oil Corporation, Operator,[9] Docket No. G-16271; Southwest Natural Production Company, Operator, et al.,[10] Docket No. G-16275; Petroleum, Inc.,[11] Docket No. G-16277; Hawn Brothers, Operator,[12] Docket No. G-16354.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission, and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, and Purchaser*

G-16194; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Co.

G-16196; Jalmat & Eumont Fields, Lea County, N. Mex.; El Paso Natural Gas Co.

G-16199; Plymouth & East Taft Fields, San Patricio County, Tex.; United Gas Pipe Line Co.

G-16201; Tubb Field, Lea County, N. Mex.; Permian Basin Pipeline Co.

G-16203; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.

G-16204; South May Field, Kleberg County, Tex.; Texas Eastern Transmission Corporation.

G-16209; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G-16210; Oceana District, Wyoming County, W. Va.; Hope Natural Gas Co.

G-16211; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.

G-16212; Key Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.

G-16213; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.

G-16221; Bagley Field (Upper and Lower Pennsylvania Pools) Lea County, N. Mex.; El Paso Natural Gas Co.

G-16269; Plymouth and East Taft Fields, San Patricio County, Tex.; W. J. Riley d/b/a Banquete Gas Co.

G-16271; Caddo Lake Field, Harrison County, Tex.; Mississippi River Fuel Corp.

G-16275; Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Co.

G-16277; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.

G-16354; East Taft Field, San Patricio County, Tex.; W. J. Riley d/b/a Banquete Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Tidewater Oil Company, nonoperator, states that its gas is presently being delivered to Permian by the Operator, The Atlantic Refining Company, under the Operator's contract dated April 1, 1952, pursuant to an operating agreement.

[2] W. J. Riley d/b/a Banquete Gas Company, proposes to sell to United Gas Pipe Line Company natural gas which he intends to purchase from certain producers. Amendments filed January 26, 1959 and July 1, 1959, add additional producers from whom Applicant will purchase gas.

[3] Application covers an amendatory agreement dated July 15, 1958, which adds additional acreage to a basic gas sales contract dated February 18, 1952, as amended. Applicant is the only signatory seller party to the subject amendatory agreement through the signature of its agent, Warren Petroleum Corporation.

[4] Van-Grisso Oil Company, nonoperator, proposes to sell its share of natural gas produced from the subject unit under a ratification agreement dated August 15, 1958, of a basic gas sales contract dated March 19, 1956, between The Carter Oil Company, seller, and Colorado Interstate, buyer. Both Applicant and Colorado Interstate are signatory parties to the subject ratification agreement.

[5] Arkansas Fuel Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Champlin Oil & Refining Company, Mokeen Oil Company and Renwar Oil Corporation. Application covers a basic gas sales contract dated July 14, 1958, to which contract Operator is the sole signatory seller party. Champlin, Mokeen and Renwar have become signatory seller parties to the basic contract by three separate ratification agreements dated July 29, August 8 and July 31, 1958, respectively, which ratification agreements have also been signed by Operator and Buyer. Operator's working interest in the R. B. Womack No. 1 Well is subject to a reversionary interest to Mokeen after 200 percent of completion costs have been recovered.

[6] General Oil Company, Inc., is filing for itself and as agent for the following co-owners: William C. Reeves, Hobert Reeves, Edna Reeves, B. B. Dye, Dollie Dye, E. B. Smith, Susie Smith, R. D. Gerber, Elsie Docker, John A. Giles, Worth Webb, J. C. Barker, Earl Hardman, Bill Godfrey, Earnest L. Bush and Durl Fluharty. All are signatory seller parties to the gas sales contract dated August 20, 1958, through the signatures of General Oil Company, Inc., which company has signed the contract individually and as Attorney-in-Fact for the remaining co-owners.

[7] Guyan Gas Company, Applicant, is a mining partnership comprised of thrity-three partners listed in the related rate schedule filings. All are signatory seller parties to said contract through the signatures of Marshall West, who has signed the contract individually and as Attorney-in-Fact for the remaining partners.

[8] B. F. Ussery d/b/a Melba Production Company, Operator, is filing for himself and, as operator, lists the related rate schedule filing the following nonoperators with their respective percentages of working interests: Alex E. Cox, Elbert Cox, Paul Cox, O. C. Easter, H. H. Holben, G. R. Morrison, C. F. Smith, B. B. Warren, Charles F. Haas, F. F. Rogers, John A. Ferris, S. E. Dyer, Paul C. Strong, E. H. E. Woodruff, A. B. McIver, L. A. Cage, James-S. Gregg, H. G. Ritchie, James Doughty, Jeanette Holloway, and D. W. Pickett. Operator is the only signatory seller party to the subject gas sales contract.

[9] Le Cuno Oil Corporation, Operator, is filing for itself and on behalf of the Pan American Petroleum Corporation, listed in the application together with its percentage of working interest, as nonoperator. Le Cuno is the only signatory seller party to the subject contract.

[10] Southwest Natural Production Company, Operator of the Addie Haggard Unit, is filing for itself and on behalf of the following nonoperators: W. M. Plaster, A. M. Rozeman, G. A. Campbell, R. L. Risinger, M. E. Polland, V. F. Beasley, and J. B. Hyde. In addition, Sowthwest, as nonoperator, is filing for itself and on behalf of the following nonoperators for their combined 30.59828 percent working interest in the Winwell Henderson Unit: W. N. Dorsett, W. M. Plaster, A. M. Rozeman, G. A. Campbell, R. L. Risinger, M. E. Pollard, V. F. Beasley, J. B. Hyde, M. E. Olen, and H. L. Olen. All are signatory seller parties to the subject gas sales contract.

[11] Application covers an amendatory agreement dated July 24, 1958, which adds additional acreage to a basic gas sales contract dated March 23, 1959.

[12] Hawn Brothers, a partnership composed of William H. Hawn, John D. Hawn, and George S. Hawn, Operator, is filing for itself and, as Operator, lists the following nonoperators with their respective percentages of working interest: Cyrus L. Heard, L. L. Logue, A. B. Patterson, J. Earl Brown, and Carrl Oil (partnership composed of Jeff Carr and William E. Carl). All are signatory seller parties to the subject gas sales contract.

See footnotes at end of document.

[F.R. Doc. 59-9309; Filed, Nov. 3, 1959; 8:47 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 371]

## SECRETARY OF DEFENSE

### Authority To Represent Interests of the Federal Government in Application of Bangor District To Increase Water Rates

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application Of Bangor Water District For Authority To Increase Water Rates, Docket No. FC 1590, before the State of Maine Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective September 1, 1959.

FRANKLIN FLOETE,
*Administrator.*

OCTOBER 29, 1959.

[F.R. Doc. 59-9321; Filed, Nov. 3, 1959; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 215]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 30, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62521. By order of October 28, 1959, the Transfer Board approved the transfer to Bernard Chapman, Creston, Iowa, of Certificate in No. MC 81600, issued October 3, 1949, to Fred S. Chapman, Cromwell, Iowa, authorizing the transportation of: *Livestock*, and *feed*, between Kent, Iowa, and St. Joseph, Mo., *Livestock* and *household goods*, between Kent, Iowa, and Omaha, Nebr., and *Feed, grain, seed*, and *agricultural machinery*, from Omaha, Nebr., to Kent, Iowa.

No MC-FC 62549. By order of October 29, 1959, the Transfer Board approved the transfer to Triangle Express, Inc., P.O. Box 402, Berryville, Va., of Certificate in No. MC 21559, issued February 27, 1959, to Charles Russell Clem, doing business as C. R. Clem, Stephens City, Va., authorizing the transportation of: *General Commodities*, with the usual exceptions including household goods and commodities in bulk, from Winchester, Va., to points in Virginia and West Virginia within 70 miles of Winchester.

No. MC-FC 62605. By order of October 28, 1959, the Transfer Board approved the transfer to Kissick Transfer Company, Inc., Kansas City, Kans., of the operating rights in Certificate No. MC 7141 Sub 1, issued August 11, 1952, to J. F. Beck Drayage, Inc., St. Louis, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between points in St. Louis, Mo., East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in St. Louis County, Mo., and grain, grain products, and manufactures mill feeds, in packages, from East St. Louis, Ill., to St. Charles, Mo., and points in St. Louis County, Mo. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Missouri, for applicants.

[SEAL] HAROLD D. McCOY
*Secretary.*

[F.R. Doc. 59-9318; Filed, Nov. 3, 1959; 8:48 a.m.]

[Notice 294]

## MOTOR CARRIER APPLICATIONS

OCTOBER 30, 1959

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 1313 (Sub No. 8) (AMENDMENT), filed September 2, 1959, published FEDERAL REGISTER issues of September 10, 1959, and September 16, 1959. Applicant: RIDGELY TRANSPORT, doing business as PIONEER-RIDGELY FREIGHT LINES, a Corporation, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving ballistic missiles testing and launching sites and supply points therefor, located in Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Wyoming, and Nebraska.

*HEARING:* Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 1540 (Sub No. 14), filed April 23, 1959. Applicant: JOSEPH DANIEL LEONARD, 232 North George Street, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture* and *cabinets*, and *empty containers or other such incidental facilities* used in transporting furniture and cabinets, and returned or rejected shipments thereof, between points in Pennsylvania, Delaware, New Jersey, and that part of New York on and south of U.S. Highway 202, on the one hand, and, on the other, Grand Rapids, Mich., Cleveland, Ohio, Baltimore, Md., points in Pennsylvania, Massachusetts, Connecticut, New Jersey, Delaware, and that part of New York on and south of U.S. Highway 202, and those in the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Michigan, Ohio, Maryland, Massachusetts, Connecticut, New York, New Jersey, Delaware, the District of Columbia, Rhode Island, Virginia, West Virginia, Indiana, and Illinois.

*HEARING:* December 10, 1959, on a consolidated record with the petition filed April 23, 1959, and outlined in the FEDERAL REGISTER of June 10, 1959, insofar as it seeks clarification or interpretation of applicant's certificate in No. MC 1540, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 5648 (Sub No. 21), filed August 12, 1959. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorney: Robert H. Shertz, 811-819 Lewis Tower Building, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor*, and *liquid cocoa butter*, in bulk, in tank vehicles, from Lititz, Pa., to Battle Creek, Mich. (2) *Edible vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill., to Lititz, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

*HEARING:* December 15, 1959, at the Pennsylvania Public Utility Commission,

Harrisburg, Pa., before Examiner William E. Messer.

No. MC 5648 (Sub No. 22), filed August 26, 1959. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor* and *liquid cocoa butter*, in bulk, in tank vehicles, from Hershey, Pa., to Buffalo, N.Y., Boston and Charlton, Mass., North Grosvenordale, Conn., Frankford, Ind., and Chicago, Ill. Applicant is authorized to conduct operations in New Jersey, Rhode Island, Maryland, Virginia, New York, Connecticut, Delaware, Illinois, Indiana, Massachusetts, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier, assigned Docket No. MC 5648 (Sub No. 18).

*HEARING:* December 15, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 19201 (Sub No. 111), CORRECTION), filed October 6, 1959, published issue FEDERAL REGISTER, October 28, 1959, at page 8754. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Previous publication failed to indicate that the proposed operations are over alternate routes, for operating convenience only, serving no intermediate points. The hearing information in the previous notice was also in error. Correctly, the application is assigned for hearing as follows.

*HEARING:* November 30, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 29988 (Sub No. 71) (AMENDMENT), filed September 14, 1959, published FEDERAL REGISTER issues of Septembr 23, 1959 and October 7, 1959. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and shipper-owned and/or Government-owned compressed gas trailers, loaded with compressed gas (other than liquefied petroleum gas), or empty, (1) serving ballistic missiles testing and launching sites and supply points therefor, within the Colorado Counties of Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Albert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder, as off-route points in connection with applicant's regular route operations (a) from Denver, Colo., to Tacoma, Wash., (b) from Seattle, Wash., to Denver, Colo., (c) between Denver, Colo., and Chicago, Ill., (d) between Denver, Colo., and Tucson, Ariz., and (e) between Denver, Colo., and St. Louis, Mo.; and (2) serving intercontinental ballistics missile launching sites located within the Wyoming Counties of Laramie, Platte, and Goshen, the Colorado Counties of Weld and Larimer, and Kimball County, Nebr., as off-route points in connection with applicant's regular route operations (a) from Denver, Colo., to Tacoma, Wash., (b) from Seattle, Wash., to Denver Colo., (c) between Denver, Colo., and Chicago, Ill., and (d) between Junction U.S. Highways 30 and 138 near Big Springs, Nebr., and Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Pennsylvania, Nebraska, Massachusetts, Iowa, Indiana, Connecticut, Ohio, Oregon, New Jersey, New York, New Mexico, California, Arizona, Kansas, Missouri, Illinois, Idaho, Utah, Washington, and Colorado.

*HEARING:* Remains as reassigned November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 35469 (Sub No. 22), filed October 21, 1959. Applicant: MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass Containers*, and *caps, covers, disks*, and *tops* therefor and *fibreboard boxes*, from Fairmont, W. Va., to points in Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Ulster, Washington, and Westchester Counties, N.Y., and points in Berks, Lackawanna, Luzerne, Monroe, Montgomery, Schuylkill, and Wayne Counties, Pa., and *pallets, empty shipping containers*, and *other incidental shipping devices*, used in transporting the above described commodities, on return. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Maryland, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: Dual operations may be involved.

*HEARING:* December 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 41915 (Sub No. 21), filed August 5, 1959. Applicant: MILLER'S MOTOR FREIGHT, INC., Zinn's Quarry Road, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile* or *slabs, building or roofing wood or wood fibre and cement or magnesite combined, with or without accessories*, not to exceed 3 percent of the total weight of the tile or slabs, from Richmond, Va., to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* December 14, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 42487 (Sub No. 426), (REPUBLICATION), originally filed May 18, 1959, published at Page 6925, issue of August 26, 1959, republished at Page 7483, issue of September 16, 1959, in the name of Gallagher Freight Lines, Inc., No. MC 73675 (Sub No. 26). Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, except commodities requiring special equipment, and *government-owned compressed gas trailers*, loaded with compressed gas, or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular-route operations to and from Denver, Colo., and (2) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas, and Illinois.

NOTE: An order of the Commission, dated October 12, 1959, substitutes: Consolidated Freightways, Inc., as applicant in lieu of Gallagher Freight Lines, Inc., No. MC 73675 (Sub No. 26). The application has been reassigned No. MC 42487 (Sub No. 426).

*HEARING:* Remains as assigned November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 50493 (Sub No. 11), filed August 20, 1959. Applicant: PAUL J. MILLER, R.D. No. 1, Orefield, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, feed grade, in bags and in bulk, from Bonnie, Fla., to points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and New York and *empty containers or other such incidental facilities* used in transporting the above-described commodity, on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, Maryland,

Massachusetts, the District of Columbia, Connecticut, Delaware, Virginia, and West Virginia.

NOTE: Applicant indicates the trade name "Dynafos" for the above commodity.

*HEARING:* December 8, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 52709 (Sub No. 92) (AMENDMENT), filed September 2, 1959 published in FEDERAL REGISTER issue of September 10, 1959. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Government-owned compressed gas trailers loaded with compressed gas* (other than liquefied petroleum gas), or empty, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, and those requiring special equipment, and commodities in bulk, serving ballistic missiles testing and launching sites and supply points therefor, located in: (1) Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo.; and (2) Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr., in conection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

NOTE: Applicant has authority in MC 52709 (Sub No. 85) to serve missile launching sites within twenty-five miles of Cheyenne; the purpose of this application is to broaden such authority in view of new missile sites.

*HEARING:* Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 52746 (Sub No. 52), (CORRECTION), filed October 7, 1959, published FEDERAL REGISTER, issue of October 14, 1959. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Previous publication indicated applicant was authorized to conduct operations in the States of Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas, in error. Actually applicant is authorized to conduct operations in the States of Colorado, Illinois, Indiana, Iowa, Kansas, and Missouri.

No. MC 59856 (Sub No. 15) (AMENDMENT), filed September 18, 1959, published October 7, 1959, issue of the FEDERAL REGISTER. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Casper, Wyo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites and supply points therefor, located in Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Montana, and Wyoming.

NOTE: In Certificate No. MC 59856 (Sub No. 13) applicant is authorized to serve intercontinental ballistics missile launching sites located in Wyoming within 25 miles of Cheyenne, Wyo., as off-route points. Duplication with present authority to be eliminated.

*HEARING:* Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 62896 (Sub No. 6), filed October 23, 1959. Applicant: CHARLES W. POOLE AND BRERETON POOLE, doing business as POOLE'S DRAYAGE COMPANY, 1619 Eckington Place NE., Washington, D.C. Applicant's attorney: Dickson R. Loos, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products* and *meat byproducts;* (B) *dairy products;* (C) *articles distributed by meat packing houses;* (D) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use of meat packers and *packing-house products*, including, but not limited to those defined by the Commission; and (E) *frozen fruits, frozen berries* and *frozen vegetables*, (1) from points in the Washington, D.C., Commercial Zone as defined by the Commission to Front Royal and Winchester, Va., and Hagerstown, Md., (2) from points in the Washington, D.C., Commercial Zone as defined by the Commission to points in St. Mary's County, Md., lying outside a 50 mile radius of Washington, D.C., and *rejected* and *refused shipments* of the above commodities, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Virginia, Maryland, and the District of Columbia.

*HEARING:* December 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 70451 (Sub No. 214) (AMENDMENT), filed September 14, 1959, published FEDERAL REGISTER issues of September 23, 1959, and October 7, 1959. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, fresh fish, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and shipper-owned and/or Government-owned compressed gas trailers, loaded with compressed gas (other than liquefied petroleum gas), or empty, (1) serving ballistic missiles testing and launching sites and supply points therefor within the Colorado Counties of Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Albert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder, as off-route points in connection with applicant's regular route operations (a) between Omaha, Nebr., and Denver, Colo., (b) between Denver, Colo., and Bird City, Kans., and (c) between Denver, Colo., and Durango, Colo.; and (2) between junction U.S. Highway 30 and U.S. Highway 138 near Big Springs, Nebr., on the one hand, and, on the other, Greeley, Colo., over a regular route as follows: from junction U.S. Highways 30 and 138 near Big Springs, Nebr., thence over U.S. Highway 30 to Cheyenne, Wyo., thence over U.S. Highway 85 to Greeley, Colo., and return over the same route, serving intercontinental ballistic missile launching sites located within the Wyoming Counties of Laramie, Platte, and Goshen, the Colorado Counties of Weld and Larimer, and Kimball County, Nebr., as off-route points in connection with said regular routes, restricted against service at Cheyenne and all intermediate points of above-described route. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

*HEARING:* Remains as reassigned November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 76032 (Sub No. 138) (AMENDMENT), filed September 10, 1959, published in FEDERAL REGISTER issue of September 16, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A, B and C explosives* and *shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, and excepting, commodities in bulk, those requiring special equipment, those of unusual value, those injurious or contaminating to other lading, and uncrated household goods, serving ballistic missiles testing and launching sites and supply points within the Counties of Washington, Gilpin, Jefferson, Lincoln, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with carrier's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in New Mexico,

California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas, and Nevada.

*HEARING:* Remains as assigned November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 82944 (Sub No. 6) (AMENDMENT) filed September 2, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: FREDERIC A. BETHKE, doing business as BETHKE TRUCK LINES, Gilcrest, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, livestock, commodities requiring special equipment, and liquid commodities in bulk, serving ballistic missiles, testing and launching sites and supply points therefor located in Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado.

*HEARING:* Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 93980 (Sub No. 29), filed July 29, 1959. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, P.O. Box 336, Henderson, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe or tubing* and *plastic fittings* and *bituminous fibre pipe and conduit and fittings*, on flat-bed trailers, from Landisville, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Tennessee, and Kentucky, and *damaged* or *rejected shipments*, and *empty skids, pallets and dunnage* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

*HEARING:* December 9, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 96339 (Sub No. 6) (AMENDMENT), filed September 2, 1959, published in FEDERAL REGISTER issues of September 10, and September 16, 1959. Applicant: MONA RIDGELY, doing business as ARROW MOVING & STORAGE CO., 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between Cheyenne, Wyo., on the one hand, and, on the other, ballistic missiles testing and launching sites and supply points therefor, located in Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr. Applicant is authorized to conduct operations in Wyoming, Colorado, and Nebraska.

*HEARING:* Remains as reassigned November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 96870 (Sub No. 2) (REPUBLICATION), filed July 24, 1959, published FEDERAL REGISTER issue of August 19, 1959. Applicant: MARIANELLI MOTOR LINES, INC., 301 East Locust Street, Scranton, Pa. Applicant's attorney: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods in use, commodities in bulk, and those requiring special equipment, between Pittsburgh, Pa., and points in Pennsylvania within thirty-five miles thereof, and Scranton, Pa., and points within thirty-five miles thereof. Applicant is authorized to conduct the above operations under the Second Proviso of section 206(a)(1), of the Act.

NOTE: The subject application was previously published as directly related to MC-F-7288. The finance proceeding MC-F-7288 was dismissed by order dated September 17, 1959.

*HEARING:* December 16, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 103017 (Sub No. 15), (CORRECTION), filed October 9, 1959, published FEDERAL REGISTER, issue of October 22, 1959. Applicant: MERCURY MOTOR FREIGHT LINES, INC., 954 Hersey Street, St. Paul, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Previous publication indicated the above application had been assigned Docket No. MC-103017 (Sub No. 12), in error. The correct docket number is No. MC 103017 (Sub No. 15).

No. MC 103435 (Sub No. 85) (AMENDMENT), filed May 18, 1959, published FEDERAL REGISTER issues August 26, 1959, and September 16, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Class A and Class B explosives*, and *general commodities*, except those of unusual value and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor, located in Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo.; and (2) *general commodities, except* those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites and supply points therefor, located in Laramie, Platte, and Goshen Counties, Wyo.; Weld and Larimer Counties, Colo.; and Kimball County, Nebr., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: Applicant requests that any duplication with present authority be eliminated.

*HEARING:* Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 103435 (Sub No. 86), (CORRECTION), filed July 2, 1959, published FEDERAL REGISTER issue of October 14, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Previous publication in the FEDERAL REGISTER, issue of October 14, 1959, indicated applicant's name as BUCKINGHAM TRANSPORT, INC., in error. The correct trade name of applicant is BUCKINGHAM TRANSPORTATION, INC.

No. MC 106965 (Sub No. 136), filed October 23, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, a Delaware Corporation, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil* and *natural bodied fish oil products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* December 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 107171 (Sub No. 24), (CORRECTION), filed March 9, 1959, published issue FEDERAL REGISTER, October 21, 1959. Applicant: JULIANO BROS., INC., 39 Main Street, South Portland, Maine. Applicant's representative: Charles H. Trayford, 155 East 40th

Street, New York 16, N.Y. Inadvertently previous publication in the FEDERAL REGISTER showed applicant's trade name as JULIANA BROS., INC. Correctly spelled, applicant's trade name is JULIANO BROS., INC.

*HEARING:* Remains as assigned December 2, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 110525 (Sub No. 401), filed October 22, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa.. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from Fredericksburg, Va., to Baltimore, Md., and *rejected shipments,* of dry chemicals, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

*HEARING:* December 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 113336 (Sub No. 28), filed October 5, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid cloronated phenol petroleum solution* and *liquid preservative with liquid phenol base,* from Kalamazoo, Mich., to Conyers, Ga. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

*HEARING:* December 10, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 113832 (Sub No. 17), (CORRECTION), filed October 7, 1959, published FEDERAL REGISTER, issue of October 21, 1959, at page 8521. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's representative: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. One of the points to which service is proposed was inadvertently referred to as *Leslit,* Ky. Correctly spelled, the point is *Leslie,* Ky.

*HEARING:* Remains as assigned November 12, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 113855 (Sub No. 41), filed October 22, 1959. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New construction, road-building, earth-moving, excavating, loading, maintenance, logging and mining machinery and equipment,* tractors (not including truck tractors), and *pipelayers,* and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators, internal combustion engines,* and *generators and engines combined,* and *accessories, attachments* and *parts* of or for the above-specified equipment and machinery, from points in Illinois, Iowa, and Wisconsin, to points in Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* December 1, 1959, in Room 852, U.S. Custom House 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 117330 (Sub No. 3), (CORRECTION), filed July 23, 1959, published FEDERAL REGISTER, issue September 30, 1959. Applicant: FLEMINGTON TRANSPORTATION, INCORPORATED 21 Mine Street, Flemington, N.J. Applicant's representative: Bert Collins, 40 Cedar Street, New York 6, N.Y. Previous publication inadvertently omitted the word counties after the Pennsylvania points named. Correctly stated, the publication with reference to those points should have read: points in Beaver, Jefferson, Armstrong, Erie, Warren, Crawford, Mercer, Venango, Clarion, Butler, Allegheny, Washington, Greene, Westmoreland, and Indiana Counties, Pa.

*HEARING:* Remains as assigned November 10, 1959, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 117427 (Sub No. 8), filed October 15, 1959. Applicant: G. G. PARSONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* except plywood and veneer, from Hickory, N.C., and Drakes Branch, Va., to points in Michigan. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145, therefore, dual operations may be involved.

*HEARING:* December 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 118808 (Sub No. 2), filed October 21, 1959. Applicant: A B C EXPRESS COMPANY, INC., Fifth and Columbia Avenue, Philadelphia, Pa. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *New furniture* and *new home furnishings,* between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, restricted so as to exclude the performance of service to and from Chester, Pa., and (2) *such commodities,* as are dealt in by department stores, between Philadelphia, on the one hand, and, on the other, Atlantic City, Delaware Township, and Trenton, N.J., and Wilmington, Del.

NOTE: Dual operations may be involved, applicant has authority as a common carrier in Certificate No. MC 19012.

*HEARING:* December 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 118983 (Sub No. 1), filed August 10, 1959. Applicant: CHARLES L. SHORT AND ROBERT S. SHORT, doing business as SHORT'S GARAGE, Causeway, South Market Street, Wilmington, Del. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disabled, repossessed, stolen,* or *wrecked motor vehicles,* by tow truck (commonly known as wrecker) with towbar or crane, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

*HEARING:* December 8, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 119126, filed August 5, 1959. Applicant: RITE-WAY AUTO SERVICE, INCORPORATED, 2655 East Washington Avenue, Madison 4, Wis. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked or disabled busses,* between points in Wisconsin, Iowa, Illinois, and Michigan.

*HEARING:* December 15, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 119127 (CLARIFICATION), filed August 31, 1959, published in FEDERAL REGISTER issue of October 14, 1959. Applicant: JACK GRAY COMPANY, INC., 3200 Gibson Transfer Road, Hammond, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, cement,* and *kindred building materials* usually and ordinarily handled in dump truck operations, and *empty containers or other such incidental facilities,* between points in Lake, La Porte, Porter, St. Joseph, Elkhart, Newton, Jasper, Pulaski, Starke, Marshall, and Kosciusko Counties, Ind., on the one hand, and, on the other, points in Lake, McHenry, Cook, Du Page, Kane, Kendall, Will, Kankakee, and Grundy Counties, Ill.

*HEARING:* Remains as assigned December 4, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 119140 (Sub No. 1), filed August 24, 1959. Applicant: P. CALLAHAN, INC., 2126 E. Tioga Street, Philadelphia 34, Pa. Applicant's representa-

tive: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beds, couches, bed springs, mattresses*, and *parts thereof*, for the account of Honorbilt Products, Inc., Philadelphia, Pa., from Philadelphia, Pa., to points in Delaware and New Jersey, and *returned shipments*, on return. Applicant is authorized to conduct common carrier operations in Pennsylvania, New York, New Jersey, Maryland, Massachusetts, Rhode Island, New Hampshire, and Connecticut. Dual operations under section 210 may be involved.

*HEARING:* December 7, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 119163, (AMENDMENT), filed August 19, 1959, published FEDERAL REGISTER, issue of October 14, 1959. Applicant: ROLLING BOATS, INC., Life & Casualty Tower, Nashville, Tenn. Applicant's attorney: Harold Seligman, 26th Floor, Life & Casualty Tower, Nashville 3, Tenn. Previous publication published FEDERAL REGISTER, issue October 14, 1959, showed applicant's trade name as MARINE TRANSIT, INC. Letter dated October 15, 1959, advises corporate trade name has been changed to ROLLING BOATS, INC. No change in corporation is involved other than change of name. The docket number above shown remains the same.

*HEARING:* Remains as assigned November 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Hugh M. Nicholson.

No. MC 119163 (Sub No. 1) (AMENDMENT), filed August 19, 1959, published FEDERAL REGISTER, issue October 28, 1959. Applicant: ROLLING BOATS, INC., Life & Casualty Tower, Nashville, Tenn. Applicant's attorney: Harold Seligman, 26th Floor, Life & Casualty Tower, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Boats* (not over 23 feet in length) loaded in special rack boat trailers, and *parts thereof* when accompanying the boats, (b) *trailers*, designed to transport boats, from points in Florida to points in the United States. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *refused and damaged boats, or trailers*, on return.

NOTE: Service is proposed to the District of Columbia, but not to the State of Alaska. The purpose of this republication is to advise that applicant's trade name has been changed to ROLLING BOATS, INC. No change in corporation is involved other than change of name.

*HEARING:* Remains as assigned December 14, 1959, at U.S. Court Rooms, Tampa, Fla., before Examiner Allen W. Hagerty.

No. MC 119174, filed August 19, 1959. Applicant: JAMES V. SUMMA, 20 E. Parker Street, Scranton, Pa. Applicant's attorney: Albert B. Mackarey, Connell Building, Scranton 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides* and *skins*, from points in Lackawanna, Wayne, Wyoming, Bradford, and Luzerne Counties, Pa., to points in New Jersey, Vermont, Delaware, New York, and Massachusetts, and *empty containers or other such incidental facilities* used in transporting the above specified commodities, on return.

*HEARING:* December 14, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 119201 (CLARIFICATION), filed September 9, 1959, published FEDERAL REGISTER issue of October 21, 1959. Applicant: FRIOCAL TRANSPORT & LEASING CORP., a New Jersey Corporation, 2231 Linden Avenue, Linden, N.J. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* and *cheese products*, under regulated refrigeration, (1) from Monroe, Wis., to Chicago, Ill., Youngstown, Ohio, Pittsburgh, Oley, and Philadelphia, Pa., Buffalo, Syracuse, Waverly, Waterford, Albany, Mt. Kisco, and New York, N.Y., Washington, D.C., Baltimore, Md., Linden, Kearney, Rutherford, and Jersey City, N.J., (2) from Oley, Pa., to New York, N.Y., and *empty containers or other such incidental facilities* used in transporting the above specified commodities on return.

*HEARING:* Remains as assigned November 30, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119203 (AMENDMENT), filed September 9, 1959, published issue FEDERAL REGISTER October 22, 1959. Applicant: DOMINICK CARIDI, doing business as MIKE'S EXPRESS, 355 West 26th Street, New York 1, N.Y. Applicant's representative: Charles H. Tayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire rope, cable clamps, fence, fence posts* and *fence parts*, and *wire cloth*, from Clifton, N.J., to New York, N.Y., and points in Dutchess, Nassau, Putnam, Orange, Rockland, Suffolk, Ulster, and Westchester Counties, N.Y., and *rejected, damaged, and returned shipments* on return.

NOTE: The purpose of this amendment is to change applicant's request for common carrier authority, as originally filed, to provide for *contract carrier* authority.

*HEARING:* Remains as assigned December 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119212, filed September 14, 1959. Applicant: MICHAEL BOTEK, 350 Line Street, Minerville, Pa. Applicant's attorney: Isadore E. Krasno, 20 South Centre Street, Pottsville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Minersville, Pa., to Brooklyn, N.Y.

*HEARING:* December 9, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 119221 (AMENDMENT), filed September 18, 1959, published FEDERAL REGISTER issue of October 14, 1959. Applicant: BURTON L. CROSBY, doing business as HEAVY DUTY WRECKER SERVICE, 131 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, and *replacement tractors* for wrecked or disabled vehicles, using tow truck or wrecker equipment only in performance of said service between points on and north of U.S. Highway 30 in Illinois, on the one hand, and, on the other, points in Brown, Calumet, Door, Florence, Forest, Kewanuee, Langlade, Manitowoc, Marinette, Oconto, Outagamie, Waupaca, and Winnebago Counties, Wis., and points in the Upper Peninsula of Michigan, and between points in the above-described Wisconsin Counties on the one hand, and, on the other, points in the Upper Peninsula of Michigan.

*HEARING:* Remains as assigned December 11, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 162.

MOTOR CARRIER OF PASSENGERS

No. MC 110306 (Sub No. 2) (AMENDMENT), filed March 27, 1959, published FEDERAL REGISTER issue August 19, 1959. Applicant: BLUE BUS LINES, a corporation, 50 North Johnson Avenue, Trenton, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between Stockton, N.J., and Philadelphia, Pa., from Stockton over New Jersey Highway 29 to junction U.S. Highway 202 at Lambertville, thence over U.S. Highway 202 through New Hope, Pa., to junction of Pennsylvania Highway 263 at Buckingham, thence over Pennsylvania Highway 263 through Furlong, Jameson and Hatboro to junction U.S. Highway 611, at Willow Grove, thence over U.S. Highway 611 through Jenkintown to Philadelphia, Pa., and return over the same route, serving all intermediate points, except service is restricted to traffic originating at, or destined to, points in New Jersey between Washington Crossing and Lambertville, N.J., on Blue Bus Lines' existing route between Trenton, N.J., and New Hope, Pa. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

*HEARING:* Reassigned November 30, 1959, at Lambertville House, Lambertville, N. J., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12715, filed August 31, 1959. Applicant: JOYFULL TOURS, INC., 2806 Belmont Avenue., Philadelphia 31, Pa. Applicant's attorney: Edwin Seave,

1110 Liberty Trust Building, Broad and Arch Streets, Philadelphia 7, Pa. Authority sought to operate as a *Broker (BMC 5)* at Philadelphia, Pa., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage,* beginning and ending at Philadelphia, Pa., and extending to New York City, N.Y.

NOTE: Applicant states its business is limited to arranging for customers to see legitimate shows and attend night clubs in New York City.

*HEARING:* December 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 179), filed October 22, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier* by motor vehicle over regular routes, transporting: *General Commodities,* except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tulsa, Okla., and the junction of U.S. Highway 75 and Oklahoma Highway 138 at or near Preston, Okla., from Tulsa over U.S. Highway 169 to the junction of Oklahoma Highway 138, thence over Oklahoma Highway 138 to the junction of U.S. Highway 75, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2488 (Sub No. 4), filed October 23, 1959. Applicant: W. R. McGWINN, River Road, Grand River, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Coke,* in bulk, in dump trucks or open trailers, from Fairport Harbor, Ohio, to points in that part of New York on and west of New York Highway 57, from Oswego to Syracuse, and thence U.S. Highway 11 to the New York-Pennsylvania State line, points in that part of Pennsylvania on and west of U.S. Highway 11, from the said State line, to Harrisburg, and thence U.S. Highway 111 to the Pennsylvania-Maryland State line, points in Kentucky, and West Virginia, points in Indiana on and north of U.S. Highway 40, and points in the Lower Peninsula of Michigan. Applicant is authorized to transport sulphur, coke and salt from Fairport Harbor, Ohio, to specified points in Pennsylvania.

NOTE: Applicant states any duplicating authority in Pennsylvania should be eliminated.

No. MC 35396 (Sub No. 30), filed October 26, 1959. Applicant: ARNOLD LIGON TRUCK LINE, INC., U.S. 41 South, Madisonville, Ky. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Muhlenberg County, Ky., east of U.S. Highway 431 (excluding Drakesboro and points on U.S. Highway 431), and those in Ohio County, Ky., west of Kentucky Highway 369 and south of U.S. Highway 62, as off-route points in connection with applicant's authorized regular route operations to and from Greenville, Central City and Beaver Dam, Ky. Applicant is authorized to conduct operations in Kentucky, Tennessee, Missouri, Indiana, Ohio, Pennsylvania, West Virginia, New York, New Jersey, Illinois, Alabama, Mississippi, Minnesota, Connecticut, Massachusetts, Michigan, Wisconsin, Arkansas, Georgia, Iowa, Kansas, North Carolina, Virginia, and Louisiana.

No. MC 66562 (Sub No. 1581), filed October 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y.; Local Office: 275 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities,* including *Classes A and B explosives,* moving in express service, limited however, to transportation of express shipments having a prior or subsequent rail or air haul, between Minneapolis, Minn., and Tenney, Minn., from Minneapolis west and north over Minnesota Highway 55, a distance of approximately 154 miles, to junction U.S. Highway 59, thence over U.S. Highway 59, a distance of approximately 10 miles, to junction Minnesota Highway 55, thence over Minnesota Highway 55, a distance of approximately 22 miles, to Tenney, and return over the same route, serving the intermediate points of Rockford, Elbow Lake, Maple Lake, Annandale, Kimball, Watkins, Eden Valley, Paynesville, Belgrade, Brooten, Lowry, Kensington, Hoffman, Barrett, Wendell, and Nashua, Minn., and the off-route points of Loretto and Glenwood, Minn. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the instant application is for authority to substitute motor service for rail service in order to improve its service to the aforementioned communities. As a pure substitute service, applicant considers that it effects no change in competitive conditions within the area involved.

No. MC 72444 (Sub No. 11), filed October 22, 1959. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio. Applicant's representative: W. R. Hubbard, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U.S. Highways 23 and 224, approximately three miles north of Alvada, Ohio, and Findlay, Ohio, over U.S. Highway 224; (2) between the junction of U.S. Highway 20 and Ohio Highway 120, southeast of Toledo, Ohio, and the junction of U.S. Highway 20 and Ohio Highway 120, west of Toledo, over U.S. Highway 20; (3) between Medina, Ohio and Norwalk, Ohio, over Ohio Highway 18, serving no intermediate points on the above-specified routes, as alternate routes for operating convenience only. Applicant is authorized to conduct operations in Illinois, New York, Ohio, Indiana, and Pennsylvania.

No. MC 110530 (Sub No. 8), filed October 26, 1959. Applicant: HUME'S TRANSPORT LIMITED, 2492 St. Clair Avenue, West, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common or contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* in vehicles equipped with mechanical refrigeration, from points in Michigan to ports of entry on the International Boundary line between the United States and Canada at or near Detroit, Port Huron, and Sault Ste. Marie, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting frozen foods on return. Applicant is authorized to conduct operations in Michigan and Ohio.

NOTE: A proceeding has been instituted in No. MC 110530 (Sub No. 7) under section 212(c) to determine whether applicant's status is that of a common or contract carrier.

No. MC 110733 (Sub No. 10), filed October 26, 1959. Applicant: ACE FREIGHT LINE, INC., 459 East Mallory Avenue, P.O. Box 10091 McKellar Station, Memphis, Tenn. Authority sought to operate as a *common or contract carrier,* by motor vehicle, over irregular routes, transporting: *Urea,* in bulk or in containers, from Memphis, Tenn., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting urea, on return movements. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

NOTE: A proceeding has been instituted in No. MC 110733 (Sub No. 6) under section 212(c) to determine whether applicant's status is that of a common or contract carrier.

No. MC 111442 (Sub No. 5), filed October 23, 1959. Applicant: CONNELL TRANSPORT CO., a Wisconsin corporation, Genesee Depot, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products* and *articles distributed by meat packing-houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *bakery products, confectionery, prepared foods* and *frozen foods*, from Milwaukee, Wis., and Chicago, Ill., to Rochelle Park, N.J. Applicant is authorized in MC 111442 Sub No. 1 to transport the above commodities from the above origin points to the above destination point.

NOTE: Applicant states that the service authorized in MC 111442 Sub No. 1 is restricted to traffic moving as mixed shipments with eggs in cases, from Random Lake, Wis., and being transported by applicant at the same time to the same destination. Applicant further states that the purpose of this application is to remove the restriction so as to permit the same service as now authorized without the necessity of also transporting eggs from Random Lake, Wis., to Rochelle Park, N.J., at the same time.

No. MC 119269, filed October 22, 1959. Applicant: WESTLAND WAREHOUSE CO., a corporation, 920 Jessup Street, Portland, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 2010 Northwest Vaughn Street, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in driveaway service, from Portland and Coos Bay, Oreg., and Seattle, Tacoma, Everett, Vancouver, and Longview, Wash., to points in Oregon, Washington, Idaho, and Montana.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7354. Authority sought for control by KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis., of CENTRAL CAR CARRIERS, INC., 380 Hopkins Street, Buffalo, N.Y., and for acquisition by N. DEMOS, also of Kenosha, of control of CENTRAL CAR CARRIERS, INC., through the acquisition by KENOSHA AUTO TRANSPORT CORPORATION. Applicants' attorney: James K. Knudson, 1821 Jefferson Place N.W., Washington 6, D.C. Operating rights sought to be controlled: *Automobiles*, in truckaway service, as a *common carrier*, over irregular routes, from Buffalo, N.Y., Detroit, Mich., and a point on U.S. Highway 24 just north of Toledo, Ohio where the Michigan-Ohio State line crosses U.S. Highway 24, to New York, N.Y., and Mamaroneck, N.Y., Stroudsburg and Scranton, Pa., and points within 20 miles of Scranton, and points in Bergen, Hudson, and Passaic Counties, N.J.; *new automobiles, automobile chassis, automobile bodies*, and *parts and accessories* when moving in connection therewith, and *automobile show equipment and paraphernalia, farm and garden tractors*, and *parts and accessories* when moving in connection therewith, from Willow Run, Washtenaw County, Mich., to New York, N.Y., and Mamaroneck, N.Y., Stroudsburg and Scranton, Pa., and points within 20 miles of Scranton, and points in Bergen, Hudson, and Passaic Counties, N.J.; *damaged or rejected shipments* of immediately above-specified commodities, from above-specified destination points, to Willow Run, Mich.; restriction: The carrier is restricted from combining the above-described operating rights with its other authorized initial or secondary movement rights, for the through transportation of traffic under such combination; *new automobiles*, in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont; *new automobiles*, in secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont; *automobiles, trucks, chassis, bodies* and *display paraphernalia and accessories* when moving in connection therewith, in initial movements, in truckaway and driveaway service, from points in Washtenaw County, Mich., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *automobiles, trucks, chassis, bodies*, and *display paraphernalia* and *accessories* when moving in connection therewith, in secondary movements, in truckaway and driveaway service, from Buffalo, N.Y., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *new automobiles*, and *automobile chassis*, in initial movements, in truckaway and driveaway service, and *new automobile bodies*, and *automobile show equipment and paraphernalia* in connection therewith, from points in Washtenaw County, Mich., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont, and Philadelphia, Pa., and points within 25 miles of Philadelphia. KENOSHA AUTO TRANSPORT CORPORATION is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-9317; Filed, Nov. 3, 1959; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-20 (Revision 1)]

## BRANCH MANAGER, COLUMBIA, S.C.

### Delegation Relating to Financial Assistance and Administrative Services

I. Pursuant to the authority delegated to the Regional Director by delegation of authority No. 30 (Revision 5) (24 F.R. 7713), there is hereby delegated to the Manager of the Columbia, South Carolina, Branch Office the following authority:

A. *Financial assistance.* 1. To approve but not decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
*Administrator.*

By _____
*Manager,*
*Columbia Branch Office.*

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

B. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision.

3. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Columbia, South Carolina, Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Columbia, South Carolina, is hereby rescinded without prejudice to actions taken under all in the delegations of authority prior to the date hereof.

Effective date: October 6, 1959.

G. D. HOLDEN,
*Acting Regional Director, Small Business Administration, Region IV.*

[F.R. Doc. 59-9300; Filed, Nov. 3, 1959; 8:45 a.m.]

[Delegation of Authority 30–IV–24]

## MANAGER, DISASTER FIELD OFFICE, CHARLESTON, S.C.

### Delegation Relating to Financial Assistance and Administrative Services

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 5) (24 F.R. 7713), there is hereby delegated to the Manager of the Disaster Field Office, Charleston, South Carolina, the following authority:

A. *Financial assistance.* 1. To approve but not decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for disaster loans approved under delegated authority and for Washington and Regional Office approved loans, said execution to read as follows:

WENDELL B. BARNES,
*Administrator.*

By ----------
*Manager,*
*Charleston Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

B. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision.

3. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Charleston, South Carolina, Disaster Field Office.

Effective date: October 6, 1959.

G. D. HOLDEN,
*Acting Regional Director, Small Business Administration, Region IV.*

[F.R. Doc. 59–9301; Filed, Nov. 3, 1959; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2440]

## CONDOR PETROLEUM CO., INC.

### Order Permanently Suspending Exemption Under Regulation A

OCTOBER 29, 1959.

Condor Petroleum Co., Inc., having filed a notification and an offering circular on September 5, 1957, and amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of its 10¢ par value common stock;

The Commission having on July 9, 1958, temporarily suspended the aforesaid exemption pursuant to Rule 261 of Regulation A;

The Commission having ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

A hearing having been held after appropriate notice, proposed findings and briefs having been filed, and the hearing examiner having submitted a recommended decision, to which exceptions have been filed;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

*It is ordered,* Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the offering of securities by Condor Petroleum Company, Inc., be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 59–9298; Filed, Nov. 3, 1959; 8:45 a.m.]

[File No. 24B–1035]

## NORTON PORTLAND CORP.

### Order Granting Withdrawal of Request for Hearing

OCTOBER 28, 1959.

The Commission by order dated August 26, 1959 having temporarily suspended the Regulation A exemption of Norton Portland Corporation, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and Norton Portland Corporation having requested a hearing upon the allegations set forth in the aforementioned order, and

The Company, prior to a hearing being ordered in accordance with such request, having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance not objecting thereto,

*It is ordered,* That the request for hearing be and it hereby is deemed withdrawn.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 59–9299; Filed, Nov. 3, 1959; 8:45 a.m.]

# CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.